Patrol Week; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.J. Res. 1005. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 1006. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. SIKES:

H. Con. Res. 618. Concurrent resolution expressing the sense of the Congress with respect to the repayment by France of amounts owed to the United States; to the Committee on Ways and Means.

By Mr. GARMATZ:

H. Res. 1044. Resolution to provide funds for the expenses of the studies and investigations authorized by House Resolution 19; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

302. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the continuation and expansion of the air transportation rendered by Northeast Airlines, Inc., which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 14819. A bill for the relief of Vito and Giacoma Gancitano and their minor children, Antonino and Matteo Gancitano; to the Committee on the Judiciary.

H.R. 14820. A bill for the relief of Faro Luccese; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 14821. A bill for the relief of Mario Michele Zito; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 14822. A bill for the relief of Mr. Giuseppe Ferraro; to the Committee on the Judiciary.

H.R. 14823. A bill for the relief of Mr. Antonio Romeo; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 14824. A bill for the relief of Alfred C. Myers, Jr.; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14825. A bill for the relief of Calogero Alba; to the Committee on the Judiciary.

H.R. 14826. A bill for the relief of Stavros Bounas; to the Committee on the Judiciary.

H.R. 14827. A bill for the relief of Salvatore Tulone; to the Committee on the Judiciary.

H.R. 14828. A bill for the relief of Wong Lin Tai; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 14829. A bill for the relief of Enrico A. Amico; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 14830. A bill for the relief of Sangwoo Suh and Yeong-Yull Suh; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 14831. A bill for the relief of Mrs. Antonia Berlangieri and her daughter, Michelina Berlangieri; to the Committee on the Judiciary.

H.R. 14832. A bill for the relief of Ralph Gallo; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 14833. A bill for the relief of Oscar Juan Enriquez-Santos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

231. By the SPEAKER: Petition of the State House of Representatives, Columbia, S.C., relative to support by the South Carolina congressional delegation of legislation by Hon. Thomas M. Gettys providing for the enlargement of the Cowpens Battle Site; to the Committee on Interior and Insular Affairs.

232. Also, petition of Donald E. Barber, Washington, D.C., relative to the 1968 national election campaign; to the Committee on the Judiciary.

SENATE—*Wednesday, January 24, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, with a faith that will not shrink though pressed by every foe, we would this day climb the altar steps which lead through darkness up to Thee. For our greatest need is of Thee.

Breathe upon us now, we beseech Thee, the benediction of Thy holy calm. Soothe the anxieties of our baffled minds so that with the shield of Thy peace and the sword of Thy truth we may face whatever tests this day may bring, free and fearless.

Kindle on the altar of our hearts a flame of devotion to freedom's cause in all the world that, in its white heat, shall consume every grosser passion. Heal the divisions which shorten the arm of our national might as we stand at this crossroads of history. Override the errors of our faulty judgments.

America, America, God mend thine every flaw.

May Thy kingdom come and Thy will be done in all the earth.

We ask it in the dear Redeemer's name. Amen

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 23, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

CIVIL RIGHTS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 243)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

In each of the past three years I have sent to the Congress a special message dealing with Civil Rights. This year I do so again, with feelings of both disappointment and pride:

Disappointment, because in an ideal America we would not need to seek new laws guaranteeing the rights of citizens;

Pride, because in America we can achieve and protect these rights through the political process.

The more we grapple with the civil rights problem—the most difficult domestic issue we have ever faced—the more we realize that the position of minorities in American society is defined not merely by law, but by social, educational, and economic conditions.

I can report to you steady progress in improving those conditions:

More than 28 percent of nonwhite families now receive over $7,000 income a year—double the proportion of eight years ago in real terms.

As of this month, 98 percent of America's hospitals have pledged themselves to nondiscrimination.

The educational level of nonwhites has risen sharply: in 1966, 53 percent of the nonwhite young men had completed four years of high school, compared to 36 percent in 1960.

The nonwhite unemployment rate has declined from 10.8 percent in 1963 to 7.4 percent in 1967.

Great advances have been made in Negro voter registration—due to the enactment and enforcement of the Voting Rights Act of 1965, and the efforts of the people themselves. In the five Southern States where the Act has had its greatest impact, Negro voter registration has reached 1.5 million, more than double that in 1965.

Negroes have been elected to public office with increasing frequency—in the North and in the South.

Thousands of disadvantaged youths have received job training—and their first job opportunities—as a result of Federal programs.

The proportion of Mexican-Americans enrolled in classes under the Manpower Development and Training Act, and as Neighborhood Youth Corpsmen, in the five Southwestern States is double their 12 percent ratio in the population.

Twenty-one States, and more than 80 cities and counties, have enacted fair housing laws.

But I must also report that:

One out of three nonwhite families still lives below the poverty level.

The infant mortality rate for nonwhite

children is nearly double that of whites. And it is nearly three times as high for children 28 days to one year of age.

The percentage of nonwhites who have completed high school is still far below that of whites. And the quality of education in many predominantly Negro schools remains inferior.

The nonwhite unemployment rate, while declining, is still twice as high as that for whites.

A survey conducted in two Southwestern cities revealed that almost one out of two Mexican-American workers living in the slums faced severe employment problems.

In too many areas of the Nation, election time remains a period of racial tension.

Despite the growing number of States and local communities which have outlawed racial discrimination in housing, studies in some cities indicate that residential segregation is increasing.

Despite the progress that many Negroes has achieved, living conditions in some of the most depressed slum areas have actually worsened in the past decade.

In the State of the Union message last week I spoke of a spirit of restlessness in our land. This feeling of disquiet is more pronounced in race relations than in any other area of domestic concern.

Most Americans remain true to our goal: the development of a national society in which the color of a man's skin is as irrelevant as the color of his eyes.

In the context of our history, this goal will not be easily achieved. But unless we act in our time to fulfill our first creed: that "all men are created equal"—it will not be achieved at all.

ONE NATION

Though the creed of equality has won acceptance among the great majority of our people, some continue to resist every constructive step to its achievement.

The air is filled with the voices of extremists on both sides:

Those who use our very successes as an excuse to stop in our tracks, and who decry the awakening of new expectations in people who have found cause to hope.

Those who catalogue only our failures, declare that our society is bankrupt, and promote violence and force as an alternative to orderly change.

These extremes represent, I believe, forms of escapism by a small minority of our people. The vast majority of Americans—Negro and white—have not lent their hearts or efforts to either form of extremism. They have continued to work forcefully—and lawfully—for the common good.

America is a multiracial nation. Racism—under whatever guise and whatever sponsorship—cannot be reconciled with the American faith.

This is not to deny the vitality of our diversity. Our people are blessed with a variety of backgrounds. Pride in our national origins, in our religions, in our ethnic affiliations, has always been an American trait. It has given to all our people that sense of community, of belonging, without which life is empty and arid.

Our continuing challenge has been to preserve that diversity, without sacrificing our sense of national purpose; to encourage the development of individual excellence, without yielding in our pursuit of national excellence for all.

EDUCATION FOR ALL

We confront this challenge squarely in the area of education.

Our Nation is committed to the best possible education for all our children. We are also committed to the constitutional mandate that prohibits segregated school systems.

Some maintain that integration is essential for better education. Others insist that massive new investments in facilities and teachers alone can achieve the results we desire.

We continue to seek both goals: better supported—and unsegregated—schools.

Thus far, we can claim only a qualified success for our efforts:

We still seek better methods to teach disadvantaged youngsters—to awaken their curiosity, stimulate their interest, arouse their latent talent, and prepare them for the complexities of modern living.

We still seek better methods to achieve meaningful integration in many of the various communities across our land—in urban ghettoes, in rural counties, in suburban districts.

But our lack of total success should spur our efforts, not discourage them.

In the last year many States, cities, communities, school boards and educators have experimented with new techniques of education, and new methods of achieving integration. We have learned much from these experiments. We shall learn much more.

We do know that progress in education cannot be designed in Washington, but must be generated by the energies of local school boards, teachers and parents. We know that there is no single or simple answer to the questions that perplex us. But our national goals are clear: desegregated schools and quality education. They must not be compromised.

THE TASK AHEAD

We must continue the progress we have made toward achieving equal justice and opportunity: through the enforcement of existing laws; through legislation that will protect the rights and extend the opportunities of all Americans.

IN THE EXECUTIVE BRANCH

The Department of Justice has just completed its most active year:

Convictions were obtained in the important conspiracy case involving the deaths of three civil rights workers in Mississippi.

A record number of civil rights suits were filed, involving school desegregation and discrimination in employment and public accommodations.

The first northern suit alleging voting discrimination was filed, and examiners were sent into 15 additional counties to assure fair registration and voting.

The Community Relations Service has helped some 260 communities to resolve human relations problems.

Other Federal agencies have been equally active:

The Secretary of Health, Education, and Welfare is now examining statistical reports from some 2,000 school districts throughout America—to insure compliance with Title VI of the 1964 Civil Rights Act, forbidding discrimination in such matters as the quality of school facilities and the establishment of school boundaries.

The Office of Federal Contract Compliance of the Department of Labor stepped-up and broadened its enforcement of the Executive order forbidding discrimination in employment by Federal contractors.

The Secretary of Defense has moved to encourage the desegregation of housing facilities surrounding military bases, thus making available thousands of additional homes to members of the Armed Forces and their families regardless of their race.

The Secretary of Housing and Urban Development has speeded the desegregation of public housing by establishing new site and tenant selection policies. He has initiated counseling services for low and moderate income families and has reorganized the Department's civil rights staff.

We will continue to expand our efforts. For wherever the Federal Government is involved, it must not be even a silent partner in perpetuating unequal treatment.

THE URGENT NEED FOR LEGISLATIVE ACTION

The legacy of the American past is political democracy—and an economic system that has produced an abundance unknown in history.

Yet our forefathers also left their unsolved problems. The legacy of slavery—racial discrimination—is first among them.

We have come a long way since that August day in 1957, when the first civil rights bill in almost a century was passed by the Congress.

At our recommendation, the Congress passed major civil rights legislation—far stronger than the 1957 Act—in 1964 and 1965. The 89th Congress passed groundbreaking legislation of enormous importance to disadvantaged Americans among us—in education, in health, in manpower training, in the war against poverty. The First Session of the 90th Congress has continued these programs.

Yet critical work remains in creating a legal framework that will guarantee equality and opportunity for all. A start was made in the First Session of this Congress:

The life of the Civil Rights Commission was extended for an additional five years.

The House of Representatives approved legislation aimed at preventing violent interference with the exercise of civil rights. The Senate Judiciary Committee has reported a similar bill, which is now being debated on the floor of the Senate.

The Senate passed a bill to reform the system of Federal jury selection.

Hearings were held in the Senate on State jury legislation, on equal employment opportunity amendments, and on a Federal fair housing law.

In this session, I appeal to the Congress to complete the task it has begun.

To strengthen Federal criminal laws prohibiting violent interference with the exercise of civil rights.

To give the Equal Employment Opportunity Commission the authority it needs to carry out its vital responsibilities.

To assure that Federal and State juries are selected without discrimination.

To make equal opportunity in housing a reality for all Americans.

PROTECTING THE EXERCISE OF CIVIL RIGHTS

A Negro parent is attacked because his child attends a desegrated public school. Can the Federal courts punish the assailant? The answer today is only "perhaps."

A Negro is beaten by private citizens after seeking service in a previously all-white restaurant. Can the Federal courts punish this act? Under existing law the answer is "no," unless that attack involved a conspiracy. Even there the answer is only "maybe."

Grown men force a group of Negro children from a public park. The question most Americans would ask is what punishment these hoodlums deserve. Instead, the question before the Federal court is whether it has jurisdiction.

The reach of century-old criminal civil rights laws is too restricted to assure equal justice to the persons they were designed to protect. Yet the right of Americans to be free of racial or religious discrimination—in voting, using public accommodations, attending schools—must be firmly secured by the law.

The existing criminal laws are inadequate:

The conduct they prohibit is not set out in clear, precise terms. This ambiguity encourages drawn-out litigation and disrespect for the rule of law.

These laws have only limited applicability to private persons not acting in concert with public officials. As a result, blatant acts of violence go unpunished.

Maximum penalties are inadequate to suit the gravity of the crime when injury or death result.

The bill reported by the Senate Judiciary Committee remedies each of these deficiencies. It would prohibit the use of force to prevent the exercise by minorities of rights most of us take for granted:

Voting, registering to vote, or campaigning for any office in Federal or State elections.

Attending a public school or public college.

Obtaining service at public accommodations.

Serving or qualifying to serve on State or Federal juries.

Obtaining a job, on the basis of ability, with any private or public employer.

Using any Federal, State or local public facility.

Participating in Federally-assisted programs or activities.

Riding in a public carrier.

The bill would apply to any individual or group—public or private—that sought to prevent the exercise of these rights by violent means. And it would tailor the penalties to meet the seriousness of the offense.

We know that State and local authorities have often been slow, unwilling, or unable to act when lawful and peaceful attempts to exercise civil rights drew a violent response.

The Mississippi convictions of this year, and other recent cases, have given dramatic evidence that Federal laws can reach those who engage in conspiracies against law-abiding citizens. It is therefore imperative that these laws be clear and their penalties effective.

This bill will strengthen the hand of Federal law enforcement to protect our citizens wherever they encounter—because of their race, color or religion—violence or force in their attempt to enjoy established civil rights. Beyond this limited area, law enforcement is left where it belongs—in the hands of the States and local communities.

EMPLOYMENT

For most Americans, the Nation's continuing prosperity has meant increased abundance. Nevertheless, as I noted earlier, the unemployment rate for nonwhites has remained at least twice the rate for whites.

Part of the answer lies in job training to overcome educational deficiencies and to teach new skills. Yesterday I asked the Congress for a $2.1-billion manpower program to assist 1.3 million of our citizens. A special 3-year effort will be made to reach 500,000 hard-core unemployed of all races and backgrounds in our major cities.

But we must assure our citizens that once they are qualified, they will be judged fairly on the basis of their capacities.

Even where the Negro, the Puerto Rican, and the Mexican-American possess education and skills, they are too often treated as less than equal in the eyes of those who have the power to hire, promote, and dismiss. The median income of college-trained nonwhites is only $6,000 a year. The median income of college-trained whites is over $9,000—more than 50 percent higher.

The law forbids discrimination in employment. And we have worked to enforce that law:

More than 150 cases of employment discrimination are under investigation by the Department of Justice.

Lawsuits have been filed to stop patterns and practices of discrimination by employers and unions in the North as well as the South.

But the Justice Department does not bear the major responsibility for enforcing equal employment opportunity. Congress created the Equal Employment Opportunity Commission in 1964 to receive and investigate individual complaints, and to attempt to eliminate unlawful employment practices by the informal methods of conference, conciliation, and persuasion.

This authority has yielded its fruits. Many employers and unions have complied through this process. We have gained valuable knowledge about discriminatory practices and employment patterns.

Since last September, the Equal Employment Opportunity Commission has, for the first time, processed more complaints than it has received, thereby reducing its backlog. In the last six months, the Commission increased its investigation rate more than 45 percent over the rate for 1966, and doubled the number of conciliations for the same period a year ago. Last month more complaints were investigated than in any month in EEOC history.

Yet even this stepped-up activity cannot reach those who will not agree voluntarily to end their discriminatory practices. As a result, only part of our economy is open to all workers on the basis of merit. Part remains closed because of bias.

The legislation that I submitted last year would empower the Equal Employment Opportunity Commission to issue, after an appropriate hearing, an order requiring an offending employer or union to cease its discriminatory practices and to take corrective action. If there is a refusal to comply with the order, the Government would be authorized to seek enforcement in the Federal courts.

I urge the Congress to give the Commission the power it needs to fulfill its purpose.

FEDERAL JURIES

The Magna Carta of 1215—the great English charter of liberties—established a fundamental principle of our system of criminal justice: Trial by jury. Our Constitution guarantees this precious right and its principles require a composition of juries that fairly represents the community.

In some Federal judicial districts this goal has not been achieved, for methods of jury selection vary sharply:

Some selection systems do not afford Negroes or members of other minorities an adequate opportunity to serve as jurors.

Some obtain an excessively high proportion of their jurors from the more affluent members of the community, and thus discriminate against others.

In many cases these are unintentional deviations from the principle of a representative jury. But the Federal courts must be free from all unfairness—intentional or unintentional. They must be free, as well, from the appearance of unfairness.

In the first session of this Congress, I proposed, and the Judicial Conference supported, a Federal Jury bill. The Senate passed a bill that would require each judicial district to adopt a jury selection plan relying upon random selection, voter lists, and objective standards.

This bill guarantees a fairly chosen and representative jury in every Federal court, while retaining flexibility to allow for differing conditions in judicial districts.

I urge the House of Representatives to pass it early in this session.

STATE JURIES

Our system of justice requires fairly selected juries in State as well as Federal courts.

But under our Federal system, the States themselves have the primary duty to regulate their own judicial systems. The role of the Federal Government is to ensure that every defendant in every court receives his Constitutional right to a fairly selected jury.

The Federal courts have acted to secure this right by overturning convic-

tions when the defendant established that this jury was improperly selected. But this process—of conviction, appeal, reversal, and retrial—is burdensome on our courts, tardy in protecting the right of the defendant whose case is involved and ineffective in changing the underlying procedure for all defendants.

The legislation I have proposed would make it unlawful to discriminate on account of race, color, religion, sex, national origin or economic status in qualifying or selecting jurors in any State court.

It would empower the Attorney General to enjoin the operation of discriminatory selection systems—but only after he has notified the appropriate State officials of the alleged violation, and afforded them a reasonable opportunity to correct it.

The jury is one of the most cherished institutions of our Republic. Its selection should be no less fair in the State than in the Federal court system.

FAIR HOUSING

The National Housing Act of 1949 proclaimed a goal for the Nation: "A decent home and a suitable living environment for every American family."

We have not achieved this goal.

This year I shall send to the Congress a message dealing with our cities—calling for $1 billion for the Model Cities program—and calling upon the Congress, industry and labor to join with me in a 10-year campaign to build six million new decent housing units for low and middle-income families.

But construction of new homes is not enough—unless every family is free to purchase and rent them. Every American who wishes to buy a home, and can afford it, should be free to do so.

Segregation in housing compounds the Nation's social and economic problems. When those who have the means to move out of the central city are denied the chance to do so, the result is a compression of population in the center. In that crowded ghetto, human tragedies—and crime—increase and multiply. Unemployment and educational problems are compounded—because isolation in the central city prevents minority groups from reaching schools and available jobs in other areas.

The fair housing legislation I have recommended would prohibit discrimination in the sale or rental of all housing in the United States. It would take effect in three progressive stages:

Immediately, to housing presently covered by the Executive Order on equal opportunity in housing.

Then, to dwellings sold or rented by a nonoccupant, and to units for five or more families.

And finally to all housing.

It would also:

Outlaw discriminatory practices in the financing of housing, and in the services of real estate brokers.

Bar the cynical practice of "blockbusting," and prohibit intimidation of persons seeking to enjoy the rights it grants and protects.

Give responsibility for enforcement to the Secretary of Housing and Urban Development and authorize the Attorney General to bring suits against patterns or practices of housing discrimination.

A fair housing law is not a cure-all for the Nation's urban problems. But ending discrimination in the sale or rental of housing is essential for social justice and social progress.

CONCLUSION

For many members of minority groups, the past decade has brought meaningful advances. But for most minorities—locked in urban ghettoes or in rural areas—economic and social progress has come slowly.

When we speak of overcoming discrimination we speak in terms of groups—Indians, Mexican-Americans, Negroes, Puerto Ricans and other minorities. We refer to statistics, percentages, and trends.

Now is the time to remind ourselves that these are problems of individual human beings—of individual Americans.

Housing discrimination means the Negro veteran of Vietnam cannot live in an apartment which advertises vacancies.

Employment statistics do not describe the feeling of a Puerto Rican father who cannot earn enough to feed his children.

No essay on the problems of the slum can reveal the thoughts of a teenager who believes there is no opportunity for him as a law-abiding member of society.

Last summer our Nation suffered the tragedy of urban riots. Lives were lost; property was destroyed; fear and distrust divided many communities.

The prime victims of such lawlessness—as of ordinary crime—are the people of the ghettoes.

No people need or want protection—the effective, non-discriminatory exercise of the police power—more than the law-abiding majority of slum-dwellers. Like better schools, housing, and job opportunities, improved police protection is necessary for better conditions of life in the central city today. It is a vital part of our agenda for urban America.

Lawlessness must be punished—sternly and promptly.

But the criminal conduct of some must not weaken our resolve to deal with the real grievances of all those who suffer discrimination. Nothing can justify the continued denial of equal justice and opportunity to every American.

Each forward step in the battle against discrimination benefits all Americans.

I ask the Congress to take another forward step this year—by adopting this legislation fundamental to the human rights and dignity of every American.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 24, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1542) to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies, with an amendment, in which it requested the concurrence of the Senate.

LIMITATIONS ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STUDY OF POPULATION GROWTH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 933.

The PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 33) to express the sense of the Congress that the Joint Economic Committee should include within its investigations an analysis of the growth and movement of population in the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to, as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Joint Economic Committee, or any duly authorized subcommittee thereof, be requested and urged to include within the scope of its investigations an investigation and analysis of the growth and movement of population, including, but not limited to the following—

(1) an analysis and evaluation of the economic, social and political factors which affect the geographic location of industry;

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner.

(4) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest; and

(5) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 950), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

The purpose of Senate Concurrent Resolution 33 is to authorize the Joint Economic Committee to study the distribution of population between urban and rural areas

of the United States. The study would focus on—

(1) Factors affecting industrial location;

(2) The extent to which industry can operate efficiently in rural areas, and to the extent to which new industry creates additional social and economic problems in urban centers;

(3) The extent to which greater population density reduces efficiency in providing public services;

(4) The extent to which a better geographic balance in future economic growth would serve the public interest; and

(5) Methods for encouraging a better balanced economic deveolpment.

NEED FOR RESOLUTION

The Employment Act of 1946 declared:

"The continuing policy and responsibility of the Federal Government to use all practicable means * * * for the purpose of creating and maintaining * * * conditions under which there will be afforded useful employment opportunities * * * for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

The Joint Economic Committee, established under this act, was given the directive and function to study means of coordinating programs in order to further this policy mandate.

Clearly, population growth and movements have a tremendous impact upon the economy in terms of production and consumption, the location of industries, and regional development. Population growth and movements provide the connecting link between economic problems in the cities and in rural areas. An understanding of the magnitude of population changes and the reasons underlying population shifts is, therefore, vital to an evaluation of economic trends and problems. Such an understanding is also essential for the formulation of appropriate policies to encourage more balanced population growth and economic development in the various regions of the country.

An analysis of the growth and movement of population in the United States would provide an important guide to the formulation of policies and programs to cope with our urban-rural economic problems. Obviously our difficulties in the cities and the problems of rural areas are to a large extent two sides of the same coin. Our metropolitan areas continue to attract an inflow of workers because of the apparent economic advantages of the city. This movement consequently worsens congestion in the large metropolitan centers and increases the problems of crime, air and water pollution, and unrest in the already teeming ghettos.

On the other hand our rural areas are declining economically as they continue to lose population, particularly among the younger educated members of the community. If we could devise programs and policies to encourage a change in the trend of our population movements, it might go a long way toward solving the problems of both our urban and rural areas. With modern technology and modern transportation there would seem to be a great opportunity for bringing jobs to the countryside rather than people to the cities.

The Joint Economic Committee has already done a substantial amount of work on some of the ramifications of this broad problem of population movement. The Economic Progress Subcommittee has pioneered in exploring the vital question of investment in human resources and its implications for our economy and its society. The Fiscal Policy Subcommittee is currently engaged in an extensive exploration of intergovernmental finances, which is very much interwoven with problems deriving from population shifts. Also, the Joint Economic Committee has established a new Subcommittee on Urban Affairs which is undertaking a very deep and comprehensive study of the problems of cities. The Subcommittee on Economic Statistics is also engaged in some pioneer work in improving the coordination of Federal statistics; regional statistics; and Federal, State, and local statistics, all of which are extremely relevant to competent measurement of the problems involved in population movement.

This resolution is complementary to Senate Joint Resolution 64 which passed the Senate on October 27 and is now pending before the House Committee on Interstate and Foreign Commerce. Senate Joint Resolution 64, introduced by Senator Mundt and others, establishes a Presidential Commission on Balanced Economic Development. The Commission would consist of 20 members appointed by the President. Most of the Commission members would be drawn from cities, towns, and villages of varying population density. The Commission would have 2 years to conduct hearings and issue its reports.

The committee believes both the approach contained in Senate Joint Resolution 64 and Senate Concurrent Resolution 33 are needed to develop proposals on this complicated and most difficult subject. We need to draw upon the experience and ideas of the private sector and State and local officials which would be realized through Senate Joint Resolution 64. We also need to draw upon the resources of Congress and the Joint Economic Committee as envisioned by Senate Concurrent Resolution 33.

The preamble was agreed to.

ARMS CONTROL—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 244)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
Washington, January 24, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washintgon, D.C.

DEAR MR. PRESIDENT: In August 1965, I said:

President Eisenhower and President Kennedy sought, as I seek now, the pathway to a world in which serenity may one day endure. There is no sane description of a nuclear war. There is only the blinding light of man's failure to reason with his fellow man, and then silence.

Now as then arms control is the most urgent business of our time.

If men can join together with their neighbors to harness the power of nuclear energy for peaceful progress, they can transform the world. If not, they may well destroy the world.

This is the ultimate test of our century. On our response rests the very survival of this nation and the fate of every living creature on this planet.

The Arms Control and Disarmament Agency speaks for the United States in this critical area.

I urge the Congress to extend its life for three years and to authorize the necessary appropriations.

Just over five years ago the world looked over the brink of nuclear holocaust. The Cuban missile crisis brought home to every man and woman the unspeakable personal horror of nuclear war. It posed the problem, not in terms of megatons and megadeaths, but in terms of a man's home destroyed and his family wiped off the face of the earth.

One year later, the world took the first great step toward nuclear sanity—the Limited Test Ban Treaty.

From that treaty was born a common spirit and a common trust. National agendas were revised. Priorities were rearranged. Nations around the world joined in the quest for freedom from nuclear terror.

The United Nations passed a resolution against bombs in orbit. The United States and the Soviet Union installed a "hot line" between Washington and Moscow which has already been used to protect the peace. Last year a new treaty went into effect to preserve outer space for the works of peace.

The Arms Control and Disarmament Agency played a central role in all these important advances. Now the energy and perseverance of Director William Foster and his colleagues have brought us close to the next great step forward: a treaty banning the spread of nuclear weapons.

The United States and the Soviet Union have agreed to a complete draft Non-Proliferation Treaty and submitted it to the Eighteen-Nation Disarmament Committee in Geneva for consideration by other nations. This draft already reflects many of the interests and views of the nations which do not now have nuclear weapons. We believe such a treaty represents the most constructive way to avoid the terrible dangers and the criminal waste which all men recognize would flow from the further spread of nuclear weapons.

For at least twenty-five years, this treaty would:

Prohibit any nuclear weapon state from transferring to any recipient, either directly or indirectly, any nuclear explosive device or the control of any such device;

Prohibit any nuclear weapon state from helping non-nuclear weapon nations to develop their own nuclear weapons;

Prohibit any non-nuclear weapon state from receiving nuclear weapons and from manufacturing its own weapons;

Provide for verification that no nuclear materials are diverted by non-nuclear weapon states to produce explosive devices;

Encourage cooperation between nuclear and non-nuclear nations to insure that all will benefit from the peaceful uses of nuclear energy.

This treaty will not end tensions between nations nor will it eliminate the shadow of nuclear war which now menaces all mankind. But it will reduce the chances of nuclear disaster arising from local disputes.

It will avoid the tragic waste of resources on nuclear weapon technology by countries whose first and overriding concern must be economic growth and social progress.

And it will, we hope, bring world-wide acceptance of nuclear safeguards inspection as the basic protection which every nation must afford itself and its neighbors.

This treaty looks to the day when a final answer to the nuclear weapons

problem will be possible. It does not limit the right or capacity of any present nuclear power to produce nuclear weapons. It does call for further negotiations to end the nuclear arms race and to move down the road to general and complete disarmament.

The lesson of the nuclear era is that this most sacred of human hopes will not be realized through intimidation of one nation by another nor by a single stroke of diplomacy. It will follow months and years of steady, patient effort. It will come step by step as men grow in wisdom and nations grow in responsibility.

The Non-Proliferation Treaty is not a creation of the United States. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small, who share the knowledge and the determination that man can and must and will control these cosmic forces he has unleashed.

When this Treaty comes into force, it will be for all the world the brightest light at the end of the tunnel since 1945.

Sincerely,

LYNDON B. JOHNSON.

STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICIES OF THE UNITED STATES BY THE COMMITTEE ON FOREIGN RELATIONS—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution (S. Res. 226); which was referred to the Committee on Rules and Administration:

S. RES. 226

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $225,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 2865. A bill to amend the Federal Property and Administrative Services Act of 1949 to require the disclosure of the cost of items of safety equipment in the procurement of motor vehicles; to the Committee on Government Operations.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. CURTIS:

S. 2866. A bill to require the Secretary of Agriculture to make advance payments to farmers participating in the 1968 and 1969 feed grain program; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. CURTIS when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 2867. A bill for the relief of Alejandrea Ulep; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. MCCARTHY):

S. 2868. A bill for the relief of Alex Peter and Helene A. Antzoulatos; to the Committee on the Judiciary.

(See the remarks of Mr. BYRD of West Virginia when he introduced the above bill for Mr. MCCARTHY, which appears under a separate heading.)

By Mr. MONTOYA:

S. 2869. A bill for the relief of Wong Sin Wan, Chan Yiu Ip, and Chung Cheong Sang; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2870. A bill for the relief of the Clayton County Journal and Wilbur Harris; to the Committee on the Judiciary.

RESOLUTIONS

STUDY OF THE STANDING RULES OF THE SENATE

Mr. HAYDEN submitted the following resolution (S. Res. 224); which was referred to the Committee on Rules and Administration:

S. RES. 224

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the Standing Rules of the United States Senate.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $67,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF ALL MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS submitted the following resolution (S. Res. 225); which was referred to the Committee on Armed Services:

S. RES. 225

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) Common defense generally;

(2) The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) Soldiers' and sailors' homes;

(4) Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) Selective service;

(6) Size and composition of the Army, Navy, and Air Force;

(7) Forts, arsenals, military reservations, and navy yards;

(8) Ammunition depots;

(9) Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) Conservation, development, and use of naval petroleum and oil shale reserves;

(11) Strategic and critical materials necessary for the common defense;

(12) Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICIES OF THE UNITED STATES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an

original resolution (S. Res. 226) to provide for a study of matters pertaining to the foreign policies of the United States by the Committee on Foreign Relations, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT which appears under the heading "Reports of Committees.")

FEDERAL ROLE IN TRAFFIC SAFETY—REPORT OF A COMMITTEE (S. REPT. NO. 951)—INTRODUCTION OF A BILL

Mr. RIBICOFF. Mr. President, pursuant to Senate Resolutions 56 and 186 of the 89th Congress and Senate Resolution 59 of the 90th Congress, I submit a report entitled "Federal Role in Traffic Safety" and ask that it be printed. The report was approved by the Committee on Government Operations on January 22, 1968.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. RIBICOFF. Mr. President, the report is based on the hearings and investigation of the Subcommittee on Executive Reorganization in 1965 and 1966. It summarizes the testimony of 50 witnesses, the results of the automobile defect investigation and outlines the traffic safety legislation and the standards issued by the Department of Transportation.

The subcommittee found that Federal traffic safety programs were widely dispersed among 16 agencies without effective coordination. We concluded that the Government did not have a clearly defined national traffic safety policy and that ultimate responsibility in this important area was not specifically assigned within the executive branch. The subcommittee further concluded that the Government lacked the authority to take meaningful action to improve traffic safety on our streets and highways.

With the passage of the 1966 laws and the establishment of the Department of Transportation last year, the Nation now has a strong traffic safety policy ably administered by a single bureau. Accordingly, we must turn our attention to three new problems arising out of these legislative accomplishments.

The first of these is upgrading the traffic safety standards rapidly. The initial standards and the proposals for their expansion are an excellent beginning, but we are a long way from a vehicle would be injury-proof in a 50 mile-per-hour collision. This is a practical goal. Its achievement will eliminate 75 percent of the deaths and injuries which occur in traffic accidents.

In order to speed progress toward this objective, the report recommends that the domestic and foreign manufacturers inform the Safety Bureau of the status of their basic safety reseach and future plans in this field. As the report states:

Millions of dollars and years of work by Government agencies and contractors could be saved if work already done by the industry were available to the Highway Safety Bureau. Such a disclosure would permit the Bureau to move immediately into advanced questions of safety and skip over the beginning and intermediate stages of research. As a result, higher safety standards could be achieved more rapidly. With this disclosure, the auto industry would be performing a significant act of corporate statesmanship. They would earn the appreciation of the Nation and they would be entering into a new form of cooperation with the Government in the public interest.

The second problem is assuring that the addition of safety equipment does not result in disproportionate increases in auto prices or decreases in the quality of other features. Last fall the manufacturers raised prices by an average of $116 and on January 1, prices jumped nearly $30 more due to the inclusion of the new shoulder belts. Some believe these increases are excessive. Chairman MAGNUSON of the Commerce Committee and Senator MONDALE charged that these rises "may be more than 10 times the actual cost" to the companies. Equally disturbing is Ford's action making optional extras of certain items which were standard equipment earlier in the model year. As a result, the purchaser must now pay a higher price for these features in his car.

Automobile price increases must not become the counterpart of auto safety advances. The intent of Congress in passing the safety laws was to improve the safety of cars sold to the American people. The industry must not thwart this purpose by unreasonable price rises, thereby preventing thousands from taking advantage of the new, safer cars.

The overall price increases on most cars now total at least $125. For many potential buyers this amount can make the difference between purchasing a new car or driving an older automobile for a longer period. When the industry raises prices it must also accept the responsibility for denying improved vehicle safety to a portion of the population. The manufacturers should recognize that the safety standards add a new dimension to their pricing determination. Henceforth, they must carefully weigh the economic benefits of increased revenues against the social cost of reduced motoring safety for the Nation.

The subcommittee asked the four major domestic manufacturers to supply voluntarily the price of the safety equipment on cars sold to the General Services Administration in fiscal 1967. They replied that they could not do so. Accordingly, the report recommends the enactment of legislation requiring that bidders specify the price of individual safety standards on vehicles sold to GSA. The Government has a right to know how much it is paying for safety and this information will assist the public in determining whether the prices charged for safety features are fair and reasonable.

The third problem facing Congress is fulfilling the promise of the legislation approved last year. In the first session, Congress appropriated only $25 million of the $100 million requested for State and community highway safety programs. America needs a balanced traffic safety program. Safe cars alone are not enough. We must have driver training programs to improve driver performance and the roads must be made as safe as possible. All of this will require more funds in the coming years. Congress has made a commitment to traffic safety. It must not reduce this pledge with the job only part way done.

At the outset of the new session, it is useful to point out the broader significance of the traffic safety hearings and legislation. They are an excellent example of the positive results which congressional initiative can achieve. They demonstrate that Congress can exercise leadership in articulating and responding to national problems.

Now we must deal responsibly with an outgrowth of our success—the price increases purportedly due to the new safety equipment. To meet this problem I hereby introduce legislation to carry out the subcommittee's recommendation regarding auto prices and ask that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2865) to amend the Federal Property and Administrative Services Act of 1949 to require the disclosure of the cost of items of safety equipment in the procurement of motor vehicles, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252) is amended by adding at the end thereof the following new subsection:

"(f) In any procurement by any executive agency of one or more motor vehicles in which there is to be included, in compliance with regulations promulgated by the Administrator, one or more items of motor vehicle safety equipment, disclosure of the unit price of each such item of equipment shall be required. If such procurement is made by advertisement for bids, each bid submitted in response thereto shall contain an itemized statement of the amount of such unit price for each such item of safety equipment which is included in the aggregate price tendered for the furnishing of such motor vehicle or motor vehicles. If such procurement is negotiated without advertising, each party who enters into negotiation to furnish such motor vehicle or motor vehicles to any executive agency shall furnish to such agency at the beginning of such negotiation a written statement containing itemized information as to the unit price for each such item of safety equipment which will be included by such party in the aggregate price which may be tendered by such party for the furnishing of such motor vehicle or motor vehicles. All information received by any executive agency (other than the General Services Administration), in the course of any procurement or negotiation for the procurement of one or more motor vehicles, concerning unit prices quoted for each item of such safety equipment shall be transmitted promptly to the Administrator under such regulations as he shall prescribe."

ADVANCE PAYMENTS BY SECRETARY OF AGRICULTURE FOR PARTICIPATION IN THE 1968 AND 1969 FEED GRAIN PROGRAMS

Mr. CURTIS. Mr. President, I rise for the purpose of introducing a measure not only because I believe in it and feel that it should be enacted, but I also introduce it in response to a resolution unanimously passed by the Legislature of Nebraska in its 78th Extraordinary Session on January 10, 1968.

I believe the Senate will be interested in the contents of the resolution. The resolution reads:

Whereas, while the well-being of the economy of Nebraska is dependent in large measure on the agricultural sector, this sector has declined and continues to decline; and

Whereas, several factors have contributed to this decline, among the most important of which have been depressed feed grain and livestock prices; and

Whereas, coupled with these factors have been the increasing costs of doing business, including the restrictive effects of current tight money policies and high interest rates; and

Whereas, there is a continuous reduction in the number of family-size farms, with those remaining experiencing difficulty in obtaining adequate operating capital at reasonable cost; and

Whereas, the average price received by Nebraska farmers for hogs in October, November, December of 1967 was thirteen per cent less than the same period one year earlier and in the same period the Nebraska producer received sixteen per cent less for his wheat, eighteen per cent less for corn, twelve per cent less for soy beans and forty-six per cent less for eggs; and

Whereas, prices received by farmers in October, November and December was only for wheat fifty-four per cent of parity, for corn sixty-two per cent of parity, for grain sorghum sixty-six per cent of parity, for soy beans seventy-four per cent of parity, hogs seventy per cent of parity, beef cattle seventy-six per cent of parity, butterfat seventy-seven per cent of parity and eggs fifty-seven per cent of parity; and

Whereas, the declines in grain and livestock prices and the increases in the costs of doing business have a direct and depressing effect on agri-buiness, as well as on other business activities in the Nebraska communities, with a consequent decline in business activity in the smaller communities of the state which are more closely and directly dependent upon the agricultural economy; and

Whereas, the agricultural economy of the state in the past has been stimulated by the receipt of advance payments of one half of the amount receivable under the Federal agricultural programs, which advance payments have provided funds for operating expenses at the time they are most needed; and

Whereas, there are present indications that the practice of making these advance payments will be discontinued, with all payments being made after the completion of harvest.

Now, therefore, be it resolved by the members of the Nebraska Legislature in seventy-eighth extraordinary session assembled:

1. That it is vitally necessary to stimulate the agricultural sector of the economy of Nebraska.

2. That the discontinuance of advance participation payments from the United States Department of Agriculture would depress rather than stimulate the agricultural economy.

3. That the United States Department of Agriculture be requested to continue the present program of making advance payments under Federal agricultural programs, and that the President of the United States be requested to immediately by proclamation establish a base of ninety per cent of parity on all farm products covered by Federal programs.

4. That copies of this resolution be sent to the President of the United States, the Secretary of the United States Department of Agriculture, and to the Nebraska Representatives and Senators in Congress.

Mr. President, I ask unanimous consent that the resolution of the Nebraska Legislature be printed in full at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, the resolution will be printed in the RECORD, and appropriately referred.

The resolution was referred to the Committee on Agriculture and Forestry, as follows:

LEGISLATIVE RESOLUTION 8

Whereas, while the well-being of the economy of Nebraska is dependent in large measure on the agricultural sector, this sector has declined and continues to decline; and

Whereas, several factors have contributed to this decline, among the most important of which have been depressed feed grain and livestock prices; and

Whereas, coupled with these factors have been the increasing costs of doing business, including the restrictive effects of current tight money policies and high interest rates; and

Whereas, there is a continuous reduction in the number of family-size farms, with those remaining experiencing difficulty in obtaining adequate operating capital at reasonable costs; and

Whereas, the average price received by Nebraska farmers for hogs in October, November, December of 1967 was thirteen per cent less than the same period one year earlier and in the same period the Nebraska producer received sixteen per cent less for his wheat, eighteen per cent less for corn, twelve per cent less for soybeans and forty-six per cent less for eggs; and

Whereas, prices received by farmers in October, November and December was only for wheat fifty-four percent of parity, for corn sixty-two per cent of parity, for grain sorghum sixty-six per cent of parity, for soybeans seventy-four per cent of parity, hogs seventy per cent of parity, beef cattle seventy-six per cent of parity, butterfat seventy-seven per cent of parity and eggs fifty-seven per cent of parity; and

Whereas, the declines in grain and livestock prices and the increases in the costs of doing business have a direct and depressing effect on agri-business, as well as on other business activities in the Nebraska communities, with a consequent decline in business activity in the smaller communities of the state which are more closely and directly dependent upon the agricultural economy; and

Whereas, the agricultural economy of the state in the past has been stimulated by the receipt of advance payments of one half of the amount receivable under the Federal agricultural programs, which advance payments have provided funds for operating expenses at the time they are most needed; and

Whereas, there are present indications that the practice of making these advance payments will be discontinued, with all payments being made after the completion of harvest.

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3. That the United States Department of Agriculture be requested to continue the present program of making advance payments under Federal agricultural programs, and that the President of the United States be requested to immediately by proclamation establish a base of ninety per cent of parity on all farm products covered by Federal programs.

4. That copies of this resolution be sent to the President of the United States, the Secretary of the United States Department of Agriculture, and to the Nebraska Representatives and Senators in Congress.

JOHN E. EVERROOD,
President of the legislature.

Attest:

HUGO F. SRB,
Clerk of the legislature.

Mr. CURTIS. The resolution is duly certified.

Mr. President, it is my understanding that the House has already passed a bill relating to advance payments on wheat, so the consideration of advance payments on wheat will be before the Senate Agriculture Committee.

Under the Soil Conservation and Domestic Allotment Act, the Secretary has authority to make up to 50 percent of any payments to any producers participating in the feed grain program in advance of payment of performance. This is permissive, not mandatory. The bill that I am introducing would require the Secretary of Agriculture to make advance payments to producers participating in the 1968 and 1969 feed grain program. The bill affects feed grain payments only.

There are two reasons for this: One, I am drawing my bill in conformity with the resolution of the Legislature of Nebraska; two, the question of advance payments on wheat will be before the Senate Agriculture Committee by reason of the House-passed bill.

I introduce the bill that I have drawn, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2866) to require the Secretary of Agriculture to make advance payments to farmers participating in the 1968 and 1969 feed grain program, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ALEX PETER AND HELENE A. ANTZOULATOS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to introduce in his absence a bill under the authorship of the senior Senator from Minnesota [Mr. MCCARTHY], a bill for the relief of Alex Peter and Helene A. Antzoulatos.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2868) for the relief of Alex Peter and Helene A. Antzoulatos, introduced by Mr. BYRD of West Virginia (for Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENT

AMENDMENT NO. 512

Mr. HAYDEN submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 54) proposing an amendment to the Constitution of the United States relative to the equal rights for men and women, which was referred to the Committee on the Judiciary and ordered to be printed.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENT

AMENDMENT NO. 513

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas [Mr. FULBRIGHT] I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of the bill (S. 1614) to amend section 5 of the Federal Alcohol Administration Act to provide a definition of the term "age" as used with respect to the labeling and advertising of whisky, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington [Mr. JACKSON], I ask unanimous consent that, at its next printing, the names of the junior Senator from Wyoming [Mr. HANSEN] and the senior Senator from Michigan [Mr. HART] be added as cosponsors of the bill (S. 2805) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE ON WILDERNESS PRESERVATION HEARINGS

Mr. JACKSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I announce that open public hearings will be conducted on February 19 on proposals for three new additions to the national wilderness preservation system.

The proposed new areas would be the San Gabriel, in the Angeles National Forest in California; the Washakie, in the Shoshone National Forest in Wyoming, and the Mount Jefferson in the Willamette, Deschutes, and Mount Hood National Forest in Oregon. The respective bills are S. 2531, S. 2630, and S. 2751, submitted and recommended by the President.

The hearings will be conducted by the Subcommittee on Public Lands under the chairmanship of the senior Senator from Idaho [Mr. CHURCH] starting at 10 a.m. in room 3110 of the New Senate Office Building.

Individuals or organizations interested in presenting their views on any or all of these bills should write or contact the Senate Committee on Interior and Insular Affairs, 3106 New Senate Office Building, Washington, D.C.

COMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that I may proceed for not more than 5 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

"PUEBLO" INCIDENT—ANOTHER WORLD WAR III, COMMUNIST-STYLE BATTLE

Mr. BENNETT. Mr. President, on October 23, in the first session of the 90th Congress, I delivered a speech in the Senate entitled "World War III: Communist Style." The speech was my interpretation of our involvement in Vietnam and explained in some detail the reasons for my thesis that world war III, Communist style, has already arrived. I said at that time that Vietnam was merely another in a series of little wars the Communists thought they could win easily, by which they hoped eventually to extinguish all political, economic and personal freedom in all the world.

After this talk, which, incidentally, received considerable widespread attention in the press and elsewhere, I was attacked by many who still claim that the war in Vietnam is nothing more than a civil war and that we do not belong in that part of world at all. Now, within the last 2 days, the dramatic incidents including the attack on the U.S.S. *Pueblo* in North Korea clearly demonstrate to me that this latter event is also another battle in world war III, Communist style.

I said in my October speech:

> Every war is both different and similar as controlled by the conditions under which it is fought, and this one was planned by the Communists to make our air and naval power ineffective.

Mr. President, it is my feeling that the *Pueblo* incident, in which North Korean gunboats captured our intelligence ship and its 83 crewmen, is nothing more than a diversionary tactic, nothing more than a threat, and nothing more than a reaction and demonstrates clearly that we are facing united Communist military threats.

It is a diversionary tactic because it has, for the moment at least, diverted the spotlight of the world away from Vietnam to Korea at a time when a major Vietcong offensive is in the offing.

In addition, it has diverted a major U.S. naval task force from perhaps a primary support mission in Vietnam to the Sea of Japan and the North Korean coast.

Who can tell how long the nuclear-powered aircraft carrier *Enterprise* and an unspecified number of destroyers and supply ships, not to mention the air armada, will be diverted while the United States makes an effort to retrieve our ship and its crewmen.

It is a threat because I am afraid we now cannot assume that our relatively unarmed ships are safe anywhere in the world from Communist muggings such as the *Pueblo* was the victim of in international waters.

It may well be the reaction of a united Communist purpose because of the use of 40,000 South Korean troops in Vietnam, and a method of retaliation for the loyalty expressed by our South Korean friends.

We need but go back to the early fifties to realize that in the Korean war it was China which backed the North Koreans and sent troops sweeping down from the north. This incident with the *Pueblo* very possibly could have been instigated by Chinese pressure in an effort to thwart the American involvement in Vietnam. In my opinion, the capture of the *Pueblo* is by no means an isolated incident or an isolated battle in world war III, Communist style. This occurred under a cover of Mig fighter planes and may very well be recognized as one of the battles of world war III. To be sure, this battle did not involve huge troop movements and massive and sudden military drives at full power strength, but, as I pointed out last October, this is not the nature of world war III, Communist style, rather it takes the shape of so-called wars of liberation because it is being waged with small units in Vietnam, Latin America, and now again in Korea. The attempt which was made to assassinate South Korea's President, Park Chung Hee, a few days ago and the guerrilla raids on American sentry posts along the demilitarized zone which divides the two Koreas, plus the 543 North Korean incidents in violation of the armistice up to November of 1967 alone, all fall into the sinister pattern.

Mr. President, I am sure all of us are deeply concerned over this violation of international law, and I share the hopes and prayers of the families of the men on the ship that they will be returned safely. I am certainly not advocating any resumption, expansion, or escalation of any war in Korea; however, I share the indignation that has swept across the Nation at the news and am getting tired of being pushed around by every two-bit Communist nation that comes down the pike. I am sure the President has both diplomatic and military options available to bring the *Pueblo* back to the high seas.

It is my feeling that if diplomacy fails at a very early date, our naval armada should consider steaming into the port city of Wonsan, tossing a towline aboard the *Pueblo*, and bringing it out.

SEIZURE OF THE U.S.S. "PUEBLO"

Mr. STENNIS. Mr. President, in company with my fellow Americans, I am outraged and incensed by the piratical seizure of the U.S.S. *Pueblo* by the Communist brigands of North Korea. This was an act of war and piracy on the high seas.

I am almost equally concerned by reports that no defense of the ship was made, that assistance from other U.S. forces was neither asked for nor received, and that supersecret and highly sensitive codes, documents, electronics equipment and other gear were captured intact by the Communists. If these reports are true, and I emphasize that they are only reports, very serious questions arise and our intelligence gathering activities in this area have been seriously compromised. Judgment on these points must be reserved, however, until all the facts are known.

Mr. President, I emphasize that I am speaking here of the codes, documents, electronic equipment, and so forth, purely from reports. I am not speaking from any inside information. I do not have any information on the matter in addition to what is published by the press. I do wish to emphasize how very serious this matter is, and that it is a problem we are up against all the time. If these reports about the capture of codes and related matters are true, it presents the gravest kind of situation.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I concur in what the distinguished Senator has said about the capture of one of our naval vessels on the high seas. I am sure that he was as shocked as I was that an American vessel could be pirated from the high seas, apparently without firing a single shot in return.

I had the honor and privilege of serving in the U.S. Navy prior to World War II, during World War II, and for a short time thereafter. It was tradition in the Navy in those days that if even a canoe were attacked by a battleship, the canoe went down with every gun firing.

I am utterly amazed to think than an American ship could be taken without defending itself, and if the codes were captured, that would be even worse, because every precaution should be taken to destroy them.

If this were an intelligence ship, as is alleged, it would seem to me they would have had instantaneous communication with other forces and ships in the Navy. I am at a complete loss to understand why they did not send for aid and, if they did, why that aid was not immediately forthcoming.

I hope this incident will not precipitate another war between us and North Korea, but I hope that the President and the State Department will exert every means possible to have that vessel restored to the American command, that all Navy personnel will be returned to service and to this country, and that those who were injured, if the reports are true, will be adequately compensated by the Government of North Korea.

Mr. STENNIS. I thank the Senator for his timely comments. I know he is incensed and that his naval blood boils, so to speak, he having been a very fine officer in the Navy in World War II. I resume my remarks directly related to the *Pueblo*.

It is clear that we must take strong and positive action without delay to recover the *Pueblo* and its crew. We must let the Communist world know beyond any doubt that acts of aggression such as this will not go unchallenged—that the United States of America is not a paper tiger whose nose can be tweaked with impunity.

Clearly, therefore, vigorous and prompt action on our part is essential. At the same time, we must avoid precipitous and rash overaction. Despite the anger and resentment we all share, we must proceed without panic. Above all, we must not rush pellmell toward the disaster of world war III. Our actions should be controlled by the facts as and when they are established.

At the same time, we must not pull back from the confrontation because of an excess of timidity or caution. We must make it clear that we can and will protect all of our sovereign rights and interests in this matter and take all steps to bring about the prompt release of this ship which North Korea forces upon us. In other words, this is the time to walk softly and carry the big stick. Simultaneously, however, we should make it abundantly clear to friend and foe alike that we are able and willing to protect our national interests and will do so to the full extent which our adversaries make necessary.

Mr. JAVITS. I wish to ask a question about the *Pueblo*.

The Senator is in a very authoritative position as the chairman of the Preparedness Investigating Subcommittee of the Committee on Armed Services. I listened with great interest and approval to his very temperate statement. I think there is implied the earliest possible disclosure of all of the facts to the American people.

I would like to have the Senator comment, to the extent he feels he should. I assure the Senator that if he decided to say nothing, I would also agree with him.

Yesterday I thought that about 24 hours was all the time that the people should wait to hear the facts. Perhaps it might be suitable that the facts be disclosed through the orderly processes of the Senator's subcommittee because there, if something were brought out, it could be edited, as we have done in other sensitive matters, notably the great MacArthur hearing.

I address my question to the Senator inasmuch as he is in a key position in this regard.

Mr. STENNIS. Mr. President, I thank the Senator for his inquiry; not only the substance, but the nature and the tone of it.

I agree that the facts must come out. I want the facts to come out as soon as possible. However, I think that just now we had better grant some more time in order to develop the true facts and disclose them as a more complete picture.

Perhaps there is still confusion about what the actual facts are. I am referring to the basic facts. I emphasized as the Senator was coming into the Chamber that when I spoke about these sensitive codes, and I stated that I was not speaking from inside knowledge, but from general reports.

I thank the Senator.

Mr. JAVITS. The Senator does agree that it would be his duty, as a key Member of the Senate who is able to afford us this information, to have a rather short rein on the question of the time involved.

I think that such matters as whether they notified other naval vessels, why other naval vessels were not there, and whether the intelligence material was destroyed, are troublesome.

Mr. STENNIS. They are troublesome, and the Senator is correct that time is short. An inquiry will certainly be in order at what is considered to be the proper time.

Mr. JAVITS. I thank the Senator.

(At this point, Mr. GRIFFIN assumed the chair.)

"STATE OF THE UNION—A REPUBLICAN APPRAISAL"—CBS TELEVISION HOUR

Mr. KUCHEL. Mr. President, last night, Republican Members of the House of Representatives and the Senate spoke to the American people in a presentation properly called the "State of the Union—A Republican Appraisal."

The Columbia Broadcasting System, to its great credit, made 1 hour of time available to the members of the minority in Congress to state their views. The master of ceremonies of this television program was our friend and my colleague from California, the Honorable GEORGE MURPHY. He performed a highly credible and able service putting together in compact form 1 hour of dialog presenting the views of distinguished Republican members of the national legislative branch.

I believe that this program showed that the minority party in this country, can and will fulfill its responsibilities to the American people. We intend to present them with a program of constructive alternatives for which they yearn today.

I ask unanimous consent that statements from our great American leader, Gen. Dwight D. Eisenhower, and those of Members of the minority in Congress who participated be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Gen. DWIGHT D. EISENHOWER. You and I—all of us—enjoy a precious privilege, that of living under the greatest self-governing society known to history.

To establish and sustain that society

which guarantees to every citizen equal rights before the law, our Founding Fathers and intervening generations have fought hard in office. We are the beneficiaries of their work and sacrifices. A solemn obligation rests upon us today to do no less in our time. Not merely for ourselves but for our children and for the cause of human liberty on the earth. Under our two-party method of Government, it is essential that members of the Party not in power become convinced that new measures and directions are required to preserve and strengthen our free system. The reasons for their convictions should be made known to their fellow citizens. Tonight some of your elected Representatives in the Congress are presenting to you their views. We of the Republican Party welcome your thoughtful attention as these views are laid before you. We know that these are critical times for our beloved country—as critical as any I have known in my lifetime. The thought, the hard work, the dedication of every citizen are now required if we are to hold true to the ideals of human dignity and liberty that have meant so much to America and to the world.

Congressman STEIGER. It is an honor to appear on this program with former President Eisenhower. The return of the integrity he brought to public service and the conduct of national affairs is our goal.

Last week President Johnson tried to tell us we're really troubled because of too rapid progress.

I disagree. The reasons are deeper. There is more than surface unrest. The cause is not progress but years of over-promise and under-performance.

In 1966 I was one of 47 new Republican Congressmen who came here because Americans wanted a change and wanted new ways of solving old problems. While still a minority in Congress, we have tried to carry out *your* mandate for change.

We began by pressing for a permanent ethics committee in the House of Representatives. We were successful and intend to push for the high standards of conduct that you demand.

We came to Congress committed to make our government more responsive and more responsible. We have reinforced our Republican Leadership in fighting to reform the legislative branch of government. Congress must be modernized to serve you better. And that legislation is now awaiting House action.

We need a Clean Elections Law that will guarantee that you'll know what's been going on behind the scenes *before* you vote. And that law must be on the books for the 1968 elections.

These and other measures can help restore the faith of the American people in their government.

Americans are impatient with mediocrity. So am I. Americans are not content to sit back and watch morality become a joke or responsibility become a plaything for politicians. Nor are we willing to watch politicians build a so-called great society of big government and little people. Our purpose is a great people.

We must pioneer in government as we have pioneered in technology. America's creative talent can and must provide a government equal to our challenges and worthy of our dreams.

We must view tomorrow's promises through yesterday's performance. And yesterday's performance is not enough.

Senator KUCHEL. A new attitude, new vigor, new direction, new confidence, are now required if this nation is to stem its headlong descent from a role of leadership held so long in the world.

In this 20th Century free peoples have looked to America in their struggle for human liberty. Dwight Eisenhower brought like-minded nations together for collective security. It remains the world's best hope for just and enduring peace. But now our government clearly lacks the ability to rally our allies.

In Western Europe, despite a remarkable economic rebirth, there is growing distrust. The British pound shrinks, the shadows of the British Empire fade, and Britain herself is shut out from the Common Market by France, her one-time ally.

The integrity of the American dollar continues under foreign assault. We must put our house in order. What has happened to the British pound must not happen to the American dollar.

In the Middle East, the Soviet Union has moved into the Mediterranean, and threatens to open a new front in the cold war—playing off America's friendship to Israel against the vengeance of Arab extremists.

In Latin America, the high promise of the Alliance for Progress remains unfulfilled. Even the historic concept of freedom of the seas has been allowed to become a mockery off the Pacific Coast of Latin America.

History may yet record the Vietnam conflict as the most tragic and costly within memory. The Administration has failed to make clear our goals to friend and foe alike. It has not been candid with the American people in facing up to the complex and difficult road which lies ahead.

The nation searches for principles to guide us:

We must face the realities and accept them.

We must not be wed to past mistakes.

We must not debase our diplomacy with pledges we cannot keep.

We must never throw away what our men have fought to win.

We must rekindle the spirit of mutual trust among free peoples—mindful that America must not go it alone.

The American people yearn for a change. Our party intends to give it to them.

Congressman FORD (Opening statement). 1968 is no ordinary year.

The State of the Union is serious business.

The President came before Congress last week.

The Nation was anxious and waiting for his words.

Never were Americans hoping harder for someone to call them to action.

People all across this nation are deeply disturbed, concerned about what's going on, right here at home. I've listened to them—we all have—and every day I'm moved by the simple eloquence of their letters—their unashamed love for America.

Doesn't the President listen to *any* of these people?

They've seen raging violence, bloodshed, destruction and death right on their own doorsteps—their homes and stores ablaze and looted—tanks and paratroopers—not on faraway battlefields but rolling through once quiet neighborhoods and blasting snipers from roofs and office windows.

And the President could only tell us he detects "a questioning" and "A certain restlessness" among his countrymen.

We can speak far plainer than *that!*

Riots, murder and robbery—is that just "restlessness?"

Deepening disbelief in our nation's policies, doubts about our most sacred institutions and traditions, concern over the credibility of our government's word—the worth of our government's dollar—do you call that "questioning?"

The President's only explanation was "When a great ship cuts through the sea, the waters are *always* stirred and troubled."

Apparently the President has been standing on the stern—looking backward at the broiling wake—wondering which of his officers to dump overboard next!

The Ship of State is wallowing in a storm-tossed sea, drifting toward the rocks of domestic disaster, beaten by the waves of worldwide fiscal crisis that threaten shipwreck.

The Captain should *return to the bridge.*

We need a Captain who will seize the helm—call up full power—break out new charts—hold our course steadfast and bring us through the storm.

We need a Captain who inspires his crew to heroic endeavor.

We need a Captain with courage to clear the deck—jettison the deadweight—a Captain who learned his seamanship beyond the Potomac and the Pedernales.

It is no time to signal S.O.S. or Abandon Ship.

It's time for all hands to man their battle stations.

This great Ship of State has weathered many a terrible storm.

We will not strike our colors now.

We have just begun to fight!!!

We offer responsible and responsive leadership that looks for support to the worth and will of all our people, that turns from the tired theories and proven failures of the past to the realities of the present and presses forward on better ways to a brighter future.

Senator PERCY. Tonight most of us will go to bed in a decent home. For some Americans though, a decent home of their own remains only a dream.

Our cities are beset with harsh living conditions, ranging from traffic congestion to air pollution. But the most critical urban crisis is housing.

The public housing record is not good. Urban renewal has demolished more houses than public housing has constructed. Too often, public housing has only served to crowd thousands of poor families together in high rise ghettos. These have become the vertical slums of our cities.

To help all Americans to own their own home, we support a National Home Ownership Opportunity Act. This Act would allow a new home owner to work on his own house, and have his labor contribute to his down payment.

The Act would combine the resources of government and private industry by drawing upon private expertise to assist low income families in building or rehabilitating homes.

It would also allow the government to financially assist low income families who cannot pay commercial interest rates.

There is a great opportunity here for government and private industry to work together in the good of the country. As the Homestead Act opened the West, this could be the 20th Century Homestead Act, helping to remake the face of our cities.

Low income families deserve our help while striving to own their home. This nation requires a realistic housing program, not more false promises. We must begin to offer to the slum dweller the hope that he as an individual *can* succeed.

Congressman QUIE. The cities are boiling with frustration. Frustration can be a man without a good job. We need an immediate program to provide hundreds of thousands of jobs in private enterprise. That's the only way we can provide jobs fast enough to cool the seething cities.

Yet the Johnson Administration has opposed every Republican effort to involve private enterprise in the poverty program. They've been long on promises—short on performance. Now, at long last, the President is beginning to talk about jobs for the poor in private enterprise. He'll be talking more about private industry doing the job his poverty war just has not done.

To the President who has been opposing our approach for four long years, and now says he will do it our way, we have this challenge.

We challenge you to support our Human Investment Act, that would *encourage* busi-

ness and industry to train under-employed men and women. We challenge you to support an Industry Youth Corps, not just government youth corps. Support our call for voluntary boards of businessmen in every city across the country to mobilize the community to help the poor get off welfare rolls.

Do *not* pour more money into old programs that don't work. *Do* provide training for jobs that are waiting to be filled. Use poverty dollars wisely to involve the poor in helping themselves, not to feed bureaucracy or city hall patronage.

Many of the prisoners of poverty can learn to earn. These Americans need their hopes fulfilled. This country must launch a new crusade for human renewal.

Words and more words are not enough, Mr. President.

Congressman POFF. The first duty of government is to maintain law and order. The peace and tranquility guaranteed by the Constitution must be restored.

No nation in history has been able to survive the collapse of its moral structure and the anarchy and lawlessness that follow.

Look at the situation confronting us today.

Murder is epidemic. Rape is commonplace—Burglary happens so often it is no longer news. Pornography, filth and dope are peddled on nearly every street corner. Crime has grown six times as fast as the population.

Despite the urgent warnings of F.B.I. Director Hoover and law enforcement officers everywhere, the Johnson Administration has failed to take effective action. The Attorney General has banned the use of modern investigative techniques. The soaring increase in crime has been called just "a little bit" of an increase.

The recent statements of President Johnson that reflect a new awareness, some hardening of purpose, are welcome.

State and local law enforcement officers must have help, but without Federal domination and control. Our Law Enforcement and Criminal Justice Act that passed the House last year provides such assistance.

We must escalate the War against Crime so that all citizens, regardless of color, will be safe in their home, at their places of business and on the streets.

The American people want the "enforcement" put back into law enforcement.

Senator ROBERT P. GRIFFIN. If a single thread runs through Republican thinking, it is an abiding faith in the *individual*.

Over the years, Republicans have stood up—not only for the public interest and for the right of workers to join unions—but also to make sure that the *individual* union member is not relegated to second-class citizenship.

Today, American workers are deeply concerned as they see the collective bargaining process breaking down . . . as they see strike losses increasing by 96% under the Johnson Administration.

They're not satisfied with an NLRB that distorts the law. And they believe their union dues ought to be used strictly for union business—not for politics.

Back in 1966, President Johnson pledged that he would propose and press the Democratic-controlled Congress for certain reforms, pointing particularly to the need for better legal machinery to help in settling strikes.

Needless to say, 1966 has passed. 1967 has come and gone. And America listened carefully to the State of the Union message last week. But, although paralyzing strike after strike has emphasized the problem, President Johnson still has *not* delivered on that 1966 pledge.

In this troubled area, our Nation desperately needs leadership—*new* leadership with vision and courage to stand up for the public interest and the rights of the individual worker.

After winning that Senate race in Michigan not so long ago, I'm more convinced than ever that millions of American workers—who refuse to take political marching-orders from anyone—are eager to support that *new* leadership next November.

Congressman BUSH. We hear a great deal today about a tax increase. A tax increase to halt inflation, a tax increase to check the outflow of gold, a tax increase to restore confidence in the dollar. Republicans respond that before we consider a tax increase we must get our own fiscal house in order.

The nation faces this year—as it did last—a tremendous deficit in the Federal budget. But in the President's message there was no sense of sacrifice, no assignment of priorities, no hint of the need to put first things first.

This reckless policy has imposed the cruel tax of rising prices on the people, pushed interest rates to their highest levels in 100 years, sharply reduced the rate of real economic growth, and saddled every man, woman and child in this country with the largest tax burden in our history.

And what does the President say? He says we must pay still more taxes and he proposes drastic restrictions on the rights of Americans to invest and travel abroad. This is a bankrupt policy.

If the President wants to control inflation, he's got to cut back on Federal spending. The very best antidote to inflation is cutting back on spending. The best way to stop the gold drain is to live within our means here at home.

We pledge ourselves to find solutions to America's most urgent problems in health, housing, education, jobs and security. But we shall never sacrifice the American people on a golden altar of economic expediency.

Mrs. MAY. The President said a lot about protecting the consumer in his State of the Union Message the other night. But he did fail to tell us about the protection we need most of all—effective protection from rising prices.

Now if there is anyone who knows just how fast prices are rising, it is those of us who work in the kitchen and shop in the grocery store, and when the people running our government tell us that a little rise in prices is a good thing, we say: Maybe so, but you're carrying a good thing too far!

With skyrocketing prices and increasing taxes, it is little wonder American workers want more take-home pay to keep pace with their cost-of-living. And now we even see the threat of wage controls.

This must stop. The American family has to balance its budget and the President can do more to get things back in balance in his budget.

You don't have to be an economist or a big government planner to know that rising prices, the biggest threat to every family, stem from unsound government policies.

I think I speak for American women—and men too—when I call upon the President to stop wasting *our* money and make it worth something again.

Mr. BOB MATHIAS. I have faced some high hurdles in my time. But, you know, they're nothing compared to the hurdles facing the American farmer today. I know this because I represent a farm area and I hear from them every day. The Johnson Administration, by deliberate policies such as the dumping of grain reserves, has pushed farm income down. This has left the farmer with an ever-declining share of America's food dollar.

Government trade policies have destroyed historic markets and encouraged imports.

In spite of misdirected and self-defeating Federal programs, the energy and ingenuity of the American farmer have outpaced the tremendous growth of our population. They've fed millions of hungry people around the world. Our farmers must have the opportunity to run their own farms with minimum government interference and to join together to negotiate for better farm prices. The most productive people in our economy, the American farmers, took a pay cut of a billion and a half dollars in 1967, and the situation is getting worse. Farm prices stood at 74% of parity last year, the lowest level since 1933.

In the face of these shocking failures, the Administration and the Secretary of Agriculture are determined to make their controls a permanent part of the farm scene. Their programs are geared to the tired theories of the 30's, not to the challenge of the 70's.

Every time the Johnson Administration comes up with a new farm program, the farmers pay more and get less. We think it's time for a change . . . and so does the American farmer.

Mr. LAIRD. Republicans believe there are better ways for Americans to do things than the way of the great planned society. President Johnson's solution is to pile program upon program, regulated, administered, and directed from Washington.

Republicans would instead establish revenue sharing with our states and localities to return a percentage of Federal income taxes with no strings attached. We would consolidate the hundreds of existing programs into block grants that would be both more flexible and more effective in getting the job done. And we would provide tax credits both for state and local taxes paid and for such special purposes as education and job training.

Our problems can only be solved if all levels of our society—governmental and private—pull together in a true partnership. This means that we have to strengthen states and localities, not weaken them. The job is not being done today because local and state officials don't have the money. They have the *ability* . . . and the *knowledge* . . . but they lack the resources because the Federal tax collector has gobbled them up.

Republicans have faith in our Governors and State legislators. We believe in our Mayors and school board members. We think you can trust them to do what is right for the people and the community they serve. When they don't, we have faith that the people will replace them with office holders who will. That is what our representative government is all about.

Revenue sharing, together with block grants and tax credits, would restore true Federalism in America. It would give control back to the people, provide the tools for programs that work, arrest the drift of power to Washington, and preserve the fundamental freedoms of the American people.

Mr. HOWARD H. BAKER, JR. During the past few minutes, we have heard of domestic chaos in America. But you see, in this nuclear age our concern can be no less for the bewildering array of confusion and chaos abroad. Whether we speak of Vietnam or Cuba, West Berlin or Latin America, the Middle East or Africa, there is a common theme: America is forfeiting its leadership. The credibility of our intentions, our will, our economic solvency is being questioned. Not since the Civil War has the United States been so divided. Never has American prestige abroad fallen so low.

We find NATO in shambles and summarily evicted from France. We find the seeds of world war sown in the strife-torn Middle East; a restless giant in Latin America is just beginning to arouse, as are the emerging Nations of Africa. Asia is measuring

the will and wisdom of the American posture.

As the free world loses faith in our leadership, it is also losing hope that we have the will to order our own house. Thus, the international and the domestic problems merge, as Nations rush to convert dollars to gold. And what must we do?

We must have bold unifying leadership. We must establish credibility for the humane motives of America and its will to resist aggression. We must restore confidence in the American economy, before it is too late. We must help those who are willing to help themselves, not with just handouts which so often produce bitterness and resentment but with dignity and grace and respect. We must lay aside the tired old techniques of the past and stand ready to innovate, to use our vast nuclear technology to produce fresh water from sea water, to produce abundant food supplies and energy, employed to promote cooperation instead of conflict. We must be as concerned with preventing another Vietnam as we are with bringing this one to an honorable conclusion.

There must be a new direction, new leadership, credible and sound. And to secure these ends we pledge ourselves, singly and in bipartisan effort, now and in the future.

Mr. HUGH SCOTT. One of the greatest dangers to world peace is ticking away in the Middle East. The President's State of the Union Message was vague about U.S. efforts in that vital area of the world—because the Johnson Administration's policies are vague.

The Soviet Union relishes that kind of situation.

Last year, the Soviets goaded the Arab states into a military showdown with Israel. While the United States stood aloof, the Israelis fought a brilliant war and beat both the Arab armies and their expensive Soviet weapons.

The Soviet Union is pouring modern tools of war into a Middle East buzzing with these new Soviet jet fighters and bombers.

As the Soviets rush in to become the major force in the Middle East, with a policy of turbulence, what is United States policy? No one seems to know.

The U.S. is doing nothing to convince the Soviets of the grievous world danger in this arms race. Yet continuing sales of Soviet arms to Arab countries force Israel to find deterrent weapons.

Where is the initiative of the Johnson Administration to get Arabs and Israelis to the same peace table and preferably through direct talks?

The greatest insurance against Soviet domination of the Middle East is a strong Israel, living at peace with its Arab neighbors.

Peace in the Middle East and survival of gallant Israel depends upon a firm and clear American policy.

Senator PETER H. DOMINICK. The peace of the Free World depends largely on American strength—economic, moral and military strength.

The right to wake up unafraid is every American's heritage, secure in the knowledge that this country is too strong to attack. There can be no partisan politics in our efforts to maintain this goal. It is too important to mankind. But let's look at the record.

We are told of bomb shortages, automatic rifle malfunctions and lack of proper jungle gear. We have no new fighter aircraft and the TFX is still a question mark. 16'' naval fire power from battleships have been literally kept in moth balls, and repeated Congressional efforts to obtain an anti-missile system have been summarily thrust aside until this year.

In the meanwhile, the Red Chinese have been steadily expanding their nuclear capability. The Soviets have surpassed us in deliverable nuclear megatonnage and they have developed a fractional orbiting nuclear bomb and six new fighter-bomber aircraft systems. They have the largest submarine fleet in the world and they are well on their way toward completion of an anti-missile system.

We are menaced now—not tomorrow or next year or the next decade, but now. The overwhelming strategic superiority developed under President Eisenhower has rapidly dissipated. This Administration has developed a strange new doctrine—that Soviet strategic equality is better than American supremacy.

That dangerous doctrine must be reversed while there is still time. Peace, with freedom, is inseparable from American strength. Let's keep it.

Senator TOWER. I'm here tonight to tell you where we believe the great majority of Americans stand on Vietnam.

First and foremost we stand for the all-out support of our half-million fighting men and women—material support and moral support.

We stand for military success in Vietnam that will enable the Vietnamese to rebuild a free nation.

We stand for an era of peace and stability that will embrace all of Southeast Asia.

We stand for the effective utilization of America's vast air and sea superiority.

We stand for quarantine of the enemy's supply lines so that he can no longer fight.

We stand for firm resistance to naked Communist aggression in Vietnam as we did in Greece, Berlin, Korea and Cuba. We also stand for the complete protection of American ships in international waters.

We note that in the last few months the Johnson Administration has been vigorously prosecuting the war in Vietnam. But, we also note that for far too long it followed a self-defeating policy of "gradualism."

That "gradualism" policy caused us to pull our punches; it prolonged the fighting; it cost American lives unnecessarily. This war could be over today if the Johnson Administration had acted with determination instead of with vacillation.

It is no wonder that the communist enemy is confused about American intentions and doubts American determination. The Administration's ping-pong pronouncements have left even Americans confused.

Throughout this century Republican Administrations have understood how to maintain world peace. Today, we understand what peace demands.

The nation suffers from a "peace gap" which we are determined to close.

Congresswoman CHARLOTTE T. REID. Yes, I am a mother. Two of my four children are sons—one of whom served four years in the Marine Corps and the other left for Vietnam just last week. I believe that not only all parents, but all thinking Americans, are as deeply distressed as I am by complacency, disunity, and protest here at home.

There are many problems which threaten our American way of life—crime, disrespect for law and order—but particularly the war. Our men in Vietnam are fighting to insure the freedom and happiness of all of us—of our children and, indeed, our grandchildren too.

So—we must impose on ourselves the kind of discipline we impose on our soldier sons. While we have American troops in Vietnam, we must be certain that they have our wholehearted support. We must be certain that the Johnson Administration knows what it is trying to do in Vietnam and that it knows how to do it. Above all, there must be no false promises.

More than 16,000 families have learned the final, terrible price of freedom. Yet, the casualty lists continue to rise. We must be certain that the lives which have been lost will not have been sacrificed in vain.

Congressman GERALD FORD. What you've seen is a picture of our party, how we look, what we think, how we feel and why we believe there must be better ways to run our country.

Only by facing facts can we, as one nation and one people, move forward to forge in our time a more perfect Union.

It seems strange not to have Senator Dirksen by my side. We've missed him tonight and want him back soon.

We have told the truth as we see it about the State of the Union.

We're proud of our party and its leaders from Abraham Lincoln to General Eisenhower. We're proud of legislators like those you've just seen—of our 26 great governors and the young men and women coming up and taking charge.

Two-party competition made America great and keeps it free. When stakes are high and problems grave, we need more airing of the issues—not less.

We, the most powerful nation and people in history, toss and turn with the tides of discontent, seethe with the injustices of hope denied, grope with the burdens of a war unwon.

In the year just passed we have watched our cities erupt and our savings erode.

But Americans are neither quitters nor losers.

We can take the hard truth, make the hard choices, and put our country's future first.

Physical power and spiritual strength we have. Great leadership we shall find.

Now we must fight together—not fight each other. And we, each one of us, must look deep into his conscience, searching to establish what is truly American, hoping to find a new America that unites the dreams and serves the needs of all of us.

This generation of Americans, and the next and the next, will once again establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty.

We will not be distracted by the shrill discords of the spoilers.

We will not be diverted by the doom's day fantasies of the fearful.

Let us instead hear this: "Be strong and of a good courage, be not afraid, neither be thou dismayed; for the Lord thy God is with thee."

We will go forward with high hearts and ready hands for the hard work ahead.

NEEDED: A POSITIVE POLICY ON TRAVEL

Mr. KUCHEL. Mr. President, all Americans are deeply concerned about the continuing assault on the integrity of our national currency following the devaluation of the Britsh pound. In the decades since World War II, the American dollar has become the world monetary standard. It has been held as a reserve currency alongside gold. Our Nation, whose economic might is unrivaled, has been ever prepared to make good the value of our currency in industrial products, in services, or in the traditional medium of gold.

In his state of the Union message, the President spoke of necessary measures to stop the flow of gold from our National Treasury. We are all aware whence comes this assault. It is the spawn of speculation and greed. It has been enflamed by the overgrown ambitions of our onetime ally, the Republic of France. The Gaullist policy of reversion to an international gold standard is both archaic and foolhardy. The financial

markets of Europe are already beginning to appreciate what a grimy shackle that would place on world trade.

In the face of this challenge, Mr. President, the administration has offered a number of remedies. It has asked for repeal of laws limiting the use of the gold cover in order that it may be used to support the market-value of the dollar. It has called for restrictions on overseas investment in developed countries, and it has called for restrictions on foreign travel.

Many of these proposals are worthwhile steps to overcome an immediate and temporary crisis.

I might observe, however, that they might better have come somewhat earlier. The rest of the proposals which the administration made, however, are open to very serious question.

The whole issue of restrictions on travel is of the deepest significance to the American people. This question touches the spirit, if not the letter, of our Constitution. As an American, I strongly oppose any limitation on my freedom of movement in foreign lands with which we maintain diplomatic relations. I very much oppose the theory that the Government may revoke that right as a matter of economic expediency.

As a matter of fact, I applaud General Eisenhower's statement from California a few days ago that the American people can handle this problem on a voluntary basis.

The approach of the administration to the problem of travel restrictions is also questionable on economic grounds. The American travel industry, both in terms of transportation services and equipment, is a major dollar earner. Our own domestic travel industry is still in its infancy in terms of bringing foreign exchange to our country. It would be foolish to take any step that would choke off this flow.

The last difficulty, and by no means the least, is the question of drafting equitable legislation in this field. The press has spoken of a head tax that would be so high that only the rich could afford it. That is hardly my idea of democracy, and I do not think it is yours, Mr. President.

Are we to exclude business travel, cultural exchange, and the other manifest benefits of international communication? Are we about to embark on a system of deciding who is going to Europe next year and who is not? The mind boggles. Enforcement would make the implementation of the Selective Service Act look like child's play.

Mr. President, this is a free country. There are others that are not. One of the hallmarks of freedom is the trust that governments have in their citizens, and more important, the trust that citizens put in their government. There are dictatorships that will not let poets read their works in foreign lands. There are others that restrict native or indigenous newsmen. Not all are Communist governments. Some, alas, govern peoples with whom we maintain close relations. The death of democracy in Greece is nowhere more poignantly symbolized than by the secret flight of that courageous publisher, Eleni Vlahou.

Mr. President, a policy of travel restriction, like Stevenson's "bottle imp," promises much but leads straight to disaster for him who takes to it. Let this nonsense end now. We have ample ways to restore the integrity of the dollar without sacrificing our liberty. I will defend the necessary steps to save the economy and to strengthen the dollar, both at home and abroad, but there is a higher order of freedom which comes first.

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President, I should like to ask the able acting majority leader if he contemplates any time off during the period of the Senate Youth Program luncheon today, which will shortly be underway?

Mr. BYRD of West Virginia. In response to the question of the able minority whip, let me say that I do not anticipate any time off. I would expect that various Senators may wish to come to the floor and make speeches on various and sundry subjects.

Mr. KUCHEL. Very good.

Mr. JAVITS. Mr. President, would it suit the convenience of the acting majority leader for me to take 20 minutes now?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the senior Senator from New York [Mr. JAVITS] may be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator.

AMERICA'S STAKE IN BRITAIN'S FUTURE

Mr. JAVITS. Mr. President, today, I speak, in the first of a series of three speeches, on the subject "America's Stake in Britain's Future," dealing with the great financial crisis of Britain.

The second speech I expect to make, on Tuesday of next week, will deal with the financial and economic crisis in this country.

The third speech I expect to make, on Thursday of next week, deals with gold and the gold standard, what it means, and what needs to be done about it.

Mr. President, I have chosen to discuss Britain, NATO, and the European Economic Community as the first in a series of three speeches because I think it is vital to consider the foreign economic situation and the foreign economic policy of our country. It is a rather fortuitous day, from my point of view at least, because it is a day when all the press is chasing down the story of the capture of the U.S.S. *Pueblo* by the North Koreans. It is a day which pictures in the most vivid way the near obsession in American policymaking with the situation in Asia, which now so dominates the thinking and the time and energy of the highest officials of the administration to the detriment of other matters of profound importance.

Eventually the focus of attention will shift away from Vietnam, which inherently is an area of peripheral importance It appears to loom large only because it is the almost accidental—I was tempted to say dubious—battleground of a larger contest. However, the Atlantic Basin with its dominant human and material resources and power—the central arena where the two great superpowers face each other—remains as the decisive fulcrum for our country and our future.

Britain is in grave peril; our own financial and trading systems are in grave peril; NATO is in grave peril. And here we are almost obsessed, in time, energy, and ideas, with what is happening in Vietnam.

I shall make this series of three addresses, to offer a framework of analysis in as good a way as I can. I hope for participation of other Senators. I submit these ideas to our Government on what should be the No. 1 priority for the United States—notwithstanding the *Pueblo* incident.

It was my good fortune to be present in the gallery of the House of Commons on Tuesday, January 16, when Prime Minister Harold Wilson announced the new austerity measures which bring to an end Britain's centuries-old role as a world power east of Suez. It was a sad occasion—especially as Britain has long since given up any imperial role—and an occasion for dismay. My sadness arose from a deep sympathy for a great nation and a great people now in difficult circumstances. My dismay arose even more strongly from a realization that Britain's forced retreat inevitably brings on consideration of heavy new burdens for the United States—and at a time when our people are already uneasy over the dimensions of the burden we are now carrying.

In a larger sense, however, I am not convinced that there was any inexorable inevitability about the British pull-out east of Suez. Even more important, I do not believe that the United States must or can sit by and watch the further liquidation of such a major element of free world strength as Britain's.

Our policymakers for some time have recognized the premium value of Britain's continued role as a power east of Suez. This realization prompted the United States time and again to encourage Britain to carry on—in the Middle East, in the Indian Ocean, in Southeast Asia, and in the Far East. Our urgings generally were agreed to. While they were well motivated, it is clear in retrospect that we did not make enough provision for the consequences of what we were asking. Rather, as is too often the case, our policymakers were under the pressures of immediate crises most of the time. To be sure, we often extended financial credits and other assistance designed to help to carry some of the continued burden which Britain could no longer sustain. But, debts have to be repaid, and economically the net effect was to blur the real implications of what was urged upon our great ally and thus to make the inevitable day of reckoning considerably more cruel and arbitrary than it should have been.

There is not much to be gained in raking over the coals of the past. The task now is to face the future and to lay

definite plans for making the most of the possibilities inherent in the situation.

To put matters bluntly, if the situation is allowed to continue to deteriorate, Britain could end up on the perilous rocks of grave financial stringency. Leaving sentiment aside, there is no question that the United States may pay dearly in the most practical monetary and strategic terms if such a folly and such a catastrophe is permitted to happen.

Unless some decisive measures are taken, there is a real prospect of further drift and deterioration in Britain's overall position. Stripped of its Empire and excluded from the European Common Market, Britain cannot carry on a major role from a position of economic isolation.

In assessing the situation which now confronts us, it is essential to bear in mind the fact that the post war arrangements in Europe assume and depend upon Britain being a major power there. Should financial stringencies compel Britain to withdraw from its military and political commitments in Germany and Berlin, the most unsettling and dangerous consequences could ensue. Present arrangements, which provide at least some stability, could rapidly come undone and bring on a volatile and potentially explosive situation in central Europe.

This prospect is certainly one which should give pause to the leaders of France—upon whom it seems to be making no impression—and to the leaders of all Western European nations. A sober realization that nothing less than the stability of Europe is involved in Britain's well-being and financial situation should be the common platform from which the Atlantic community proceeds. Nor can central Europe and the U.S.S.R. be unconcerned—dislocation of the status quo in the Federal Republic of Germany and West Berlin abruptly and in response to financial stringency, could create grave problems and tensions for them too.

It would be altogether too tempting a target for opponents to resist. If they took advantage of it because of the inviting target, it would involve a crisis far more excessive than any which now faces the nation.

I wish to reiterate here that we are dealing with considerations of the most direct and important self interest. It is not sentiment which compels us to be gravely concerned over Britain's plight, although sentiment is certainly there in generous measure.

I went to Britain hurriedly, at the suggestion of the Joint Economic Committee. I happened to be there on the ground at the critical historical moment.

The mood of Britain, as I sensed it, is depressed and confused. There is a sense of real grievance, mingled with frustration together with an understandable urge to escape into the swinging world of miniskirts and "little England."

In view of the buffeting it has taken—without any real rest after the exertions and exhaustion of two world wars—it is not surprising that Britain seems almost dispirited at the present moment of travail and trial.

Britain did not have the benefit of the Marshall Plan with the modernization of industrial plant which resulted particularly in West Germany, France, and Italy. On the contrary, Britain suffered the drain of terrible losses—material and human—in World Wars I and II, and carried a heavy share of the burden of responsibility in the postwar world, further seriously draining its resources. It seems to be widely accepted among the British people themselves, whether Labor or Tory, that Britain must take major steps to deal with the grave danger of the erosion of British energies.

The figures, fiscal and monetary, in trade, in productivity and even in technology and innovation—in which Britain still remains ahead of most Continental European countries—are still not encouraging. By every measure, Britain seems to have reached a watershed in its national life. British business and industry need modernization in machinery, techniques, manpower, and competitive spirit. The problems of investment required for sustained economic growth, and the balancing of such growth with schemes of welfare, health, and education, is a further grave problem.

Britain is still altogether too vital to the world for us to leave her willingly in this condition. It would be most desirable and helpful if Britain's own leaders told the world what they need and how they would use it. In the world's own interest, this is no time for reserve or diffidence on the part of the rest of the world.

There are important things which others—and most specifically the United States—can and ought to do. It will take big measures which deal with basic factors to reverse the present downward drift.

I would like to suggest some measures for consideration and urge Britain's Government to express itself frankly on this subject. Prime Minister Wilson is expected in Washington in early February. His presence here can mark a truly new beginning for us all, as well as for Britain.

Specifically I suggest the following for consideration:

First. Now that the application for even negotiations on Britain's entry into the European Common Market has been vetoed by France, it is only right to give full examination to a proposal for an industrial free trade area which I made 2 years ago as an alternative to Britain's joining the EEC. IFTA would create a single competitive market among the United States and Canada, and other industrialized countries of the West—some from the European Free Trade Association, some from the Commonwealth, and including Japan, if it so desires. IFTA would gradually lower tariffs and trade barriers on manufactured goods and raw materials over a 15- to 20-year period and would bring about substantially free trade within this area.

Special arrangements could also be made to assure access to this market by developing countries with particular reference to the newly developing Latin American Common Market. Distinguished teams of economists are preparing a report on this proposal in the United States, the United Kingdom, and Canada. If the U.S. team working on the industrial free trade area concept is headed by Prof. Thomas Franck, director of the Center for International Studies of New York University; in Britain where a preliminary report has already been issued by the Atlantic Trade Study Group is under the direction of Sir Michael Wright and Maxwell Stamp; and in Canada Prof. Theodore English heads a group of Canadian scholars. IFTA would free Britain of many of the obsessions of restraint incident to its present position and indeed might also have a salutary effect on the European Common Market and enable it to reject the counsel of those who would make it an exclusive trade grouping rather than an effective part of a more liberal world trading system.

Second. Britain must be refinanced on a sound and long-term footing. Half measures designed to shore up Britain's balance-of-payments problems will accomplish little over the long run. What is needed is a modernization fund primarily to modernize and rationalize Britain's industry.

Specifically, I would propose a 20-year, $10 billion modernization fund to be established jointly by the United States and Western Europe including the European Common Market nations. It would be a prudent investment of the great Atlantic partners in the future of a major element in what inevitably may be the joint prosperity and safety of the Western World.

Standing alone, a modernization fund for Britain such as I have suggested would not constitute the whole answer to Britain's problems. There is much that Britain must do herself first domestically and demonstrate that it has the will and the leadership to do at home what is necessary to achieve a brighter future and to be in a position to play a significant role in world affairs. But I feel that the Western World is in dire need of a new grand strategy involving new relationships within Europe and between Europe and the United States and the modernization fund I am proposing here should be an element of this new policy.

The United States for its own part should begin to reassess the adequacy of its policy toward Europe in the political, economic, and military fields. I would like to think that discussion and debate on our European policy could begin with our relationship to Britain—with the concept I am suggesting here—and how we can most effectively strengthen it.

Many will say that neither the United States nor the nations of Western Europe are in the position or mood to undertake to finance such a major investment primarily for the United Kingdom. This is undoubtedly the prevailing mood. The United States is, as we all know, in a difficult budgetary situation and European nations have thus far been unwilling to override France's refusal to include Britain in Europe.

Yet interestingly, during my recent conversations in Europe, on a purely informal basis, I solicited reaction to a modernization fund and encountered few objections to the basic idea, either as regards desirablity or feasibility.

In addition, I suggest the establishment of an Atlantic Projects Authority including the United States, Britain, and Canada with the addition of other appropriate nations which choose to join. Such Authority would develop and finance projects based on new technologies in electronics, space, computers, air and water pollution, housing construction and similar matters with the necessary research and development to back them up. This could represent an excellent way to use the Modernization Fund and benefit all the participants. And as a corollary, I suggest the establishment of an Atlantic Technological Community to handle the research and development aspects of this project.

Now my third recommendation:

As a contribution to its economic recovery Britain should be assisted by the International Monetary Fund and the Organization for Economic Cooperation and Development with the problems associated with the more volatile elements in the official sterling balances around the world and with the necessity to stretch out over the next 15 to 20 years some part of the short-term British indebtedness. The United Kingdom's gross external liabilities in sterling are estimated at about $15 billion or roughly 6¼ billion pounds. This includes indebtedness of the United Kingdom to the IMF due in 1970, as well as private sterling holdings, official holdings of nonsterling countries, holdings of international organizations and the equivalent of $1.7 billion holdings of central monetary institutions of overseas sterling countries which contribute to sterling instability.

This $15 billion in external liabilities is somewhat offset by United Kingdom ownership of stocks and bonds. It is estimated roughly that up to $5 billion would be involved in any funding operations to ease the existing United Kingdom sterling balance burden on a selective basis. Standing alone, this might be considered a questionable enterprise but as part of an overall plan the basic elements of which are discussed above, it would be indispensable. Therefore, it should properly be one of the major items for major consideration which I have outlined.

It would certainly be improper for me or anyone similarly situated to deal with the internal factors, governmental and private, which have brought Britain to this pass. But, the courage, the heroism and the elevated character of the British people must in the interest of all mankind be given the opportunity to assert themselves.

Mr. President, many will ask how can we afford to participate in so great a venture considering our own troubles with the international balance of payments. To those I would say we cannot afford to fail to participate, for the consequences would be infinitely more costly in the prospects for peace and world stability as well as in money—and that we will find the way.

Let us never forget Winston Churchill's example, when in 1940, in Britain's darkest hour he sent one of the best British armored divisions to north Africa, a decision which kept open an option to be used when the United States entered the struggle. The absence of that option—which represented such an enormous risk for Britain in 1943—could very well have materially extended the war and perhaps jeopardized the victory. What I am suggesting on the part of the United States and the rest of the industrialized nations of the world is an act of courage of much less magnitude, and it is only a part of what we in the world owe as an opportunity to the British people.

Call it an international Marshall plan for Britain if you will—the British people have earned the opportunity to do something with it; Britain needs it and the rest of the free world needs a strong Britain.

THE SEIZURE OF THE "PUEBLO"

Mr. CHURCH. Mr. President, the seizure of the *Pueblo* and her crew by North Korea is more than an act of piracy on the high seas; it is an act of war against the United States. The ship must be returned at once, with all Americans aboard. Our national honor is at stake here.

An American crew has been kidnaped, an American naval vessel has been boarded in international waters and stolen away. This is intolerable.

Having conferred with the President last night, I am satisfied that he is taking urgent action on the military and diplomatic fronts, to secure the immediate release of our sailors and their ship. He intends to obtain full satisfaction from the Government of North Korea. He has my full and unreserved support.

VIETNAM AND MILITARY COMMITMENTS—PENDING SENATE RESOLUTIONS

Mr. CHURCH. Mr. President, an editorial in the Rexburg, Idaho, Journal points out the importance of two resolutions which were recently considered by the Committee on Foreign Relations: First, Senate Resolution 180, introduced by the distinguished majority leader, was passed by the Senate on November 30, 1967, by a vote of 82 to 0. This resolution calls on the President to take the initiative in seeking consideration by the United Nations Security Council of U.S. proposals for a settlement to the conflict in Vietnam. The endorsement of this editorial shows that the affirmative vote on this resolution has widespread public support and appeal.

Another, Senate Resolution 187, introduced by the distinguished chairman, Senator FULBRIGHT, was approved by the committee on November 16, 1967. It calls for congressional approval of any future military commitments by the United States which would involve our Armed Forces in combat operations on foreign soil. I am hopeful that this resolution will be considered by the Senate as a whole in the very near future. The Rexburg Journal is to be commended for calling for favorable consideration of this resolution.

This editorial shows the timeliness of Senate action on these significant issues, and I recommend it to my colleagues in the Senate. Mr. President, I ask unanimous approval that the editorial entitled "The Senate Resolutions," published in Rexburg Journal of December 14, 1967, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rexburg Journal, Dec. 14, 1967]

THE SENATE RESOLUTIONS

The Senate Foreign Relations Committee has performed a notable service in calling for adoption of two "sense of the Senate" resolutions, one urging a new U.S. initiative for United Nations Security Council action on the Vietnamese War and the other undertaking to restrict future presidential commitment of armed forces abroad. The committee's reports contribute significantly to the dialogue on questions on the greatest importance. The effect would be enhanced by full debate in the Senate.

That applies in particular to the resolution seeking to give Congress a stronger voice in deciding on commitment of combat troops overseas. The question of getting the United Nations involving in attempts to settle the conflict in Vietnam has greater immediacy, but it is far less controversial. In declaring that "an effort to spur negotiations (through the United Nations is imperative," the committee states a position already taken by President Johnson and Ambassador Goldberg, and one that most members of Congress presumably also hold. The proposed restriction on powers exercised by the president is a more touchy matter.

It is a matter that ought to be illumined by debate. Mr. Johnson's use of the Tonkin Gulf resolution to justify enormous escalation of the war in Vietnam underscores the vital importance of this question. The Foreign Relations Committee has properly rejected Undersecretary of State Katzenbach's view that congressional power to declare war "is outmoded." For Congress to agree would be to abdicate constitutional responsibility. There is much room for argument as to the dividing line between congressional and presidential authority in this area, however. The committee's proposal to require debate to show the "intent of Congress," an explicit statement of the kind of military action being authorized, and a time limit on the authorization provides a good starting point for discussion.

Meanwhile, there are the committee's assertions that "the time has come for the United States to require by votes that the members of the Security Council show the world where they stand on the question of Vietnam," and also that "the international community should consider not only the cost to the United Nations if it should attempt to bring the war in Vietnam to a settlement and fail, but also the consequences for the future of the United Nations if it does not act at all." These positions should occasion little dispute, especially in view of what has already been said by the administration on the question. The Senate ought to adopt this resolution promptly, and the White House ought then to try again for United Nations action.

THE DRAFT TREATY ON NUCLEAR NONPROLIFERATION

Mr. CHURCH. Mr. President, the draft treaty to prevent the spread of nuclear weapons, tabled recently by the United States and the U.S.S.R. in Geneva, is being greeted with skepticism by certain nations which fear the consequences of denying themselves the status of nuclear powers. This opposition is outlined most

clearly in an editorial appearing in the Idaho State Journal of December 14, 1967. Pointing to the anxieties of nations such as India, Italy, and West Germany, the editorial warns of the difficult road ahead for American negotiators. Since a treaty along these lines will undoubtedly be submitted to the Senate some time in the future, I know that my colleagues will find these remarks most informative.

I ask unanimous consent to have printed in the RECORD the editorial entitled "Disappointment on Treaty," published in the Idaho State Journal of December 14, 1967.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISAPPOINTMENT ON TREATY

Optimism on a treaty which would slow or shut off the spread of nuclear weapons is running down. The original Geneva committee was appointed in pursuance of a 1961 United Nations General Assembly resolution. Eighteen nations were named, but one of these, France, has not taken part in the deliberations. Another nuclear power, mainland China, is not represented.

The trouble at Geneva is not basically between the United States and the Soviet Union, the nuclear superpowers, or at least not in principle. Smaller countries are putting up much of the opposition.

West Germany is reluctant to forego a nuclear role. After Secretary of Defense Robert S. McNamara announced that the Soviet Union had tested a new orbital space weapon, the Rheinischer Merkur asserted: "Western Europe can only hold its own in crisis management if it has at its disposal a strong force of medium-range rockets and no longer remains on the back stairs in regard to the whole development of nuclear techniques."

The liberal Die Zeit of Hamburg said: "If logic means anything in international relations, then the decisions to build ABM (antiballistic missile) systems in the Soviet Union and the United States (had) already meant the kiss of death for the nonproliferation treaty."

India wants a specific guarantee against Red Chinese nuclear attack. It also wants written into the treaty assurance that nuclear weapon have-nots would not be at a competitive disadvantage in the development of peaceful atomic uses.

Opposition comes also from Sweden, Italy, Japan, Spain, and even Communist Romania. The objections generally are along the lines of those put up by West Germany and India.

American opposition to the spread of nuclear weapons goes back to the McMahon Act of 1946. Bernard M. Baruch, then chairman of the U.S. delegation to the U.N. Atomic Energy Commission, in June 1946 presented a comprehensive plan.

The general guarantee against attack put forth by President Johnson in October 1964 does not satisfy many non-nuclear nations. In his "nuclear umbrella" statement, Johnson said: "the nations that do not seek national nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail, they will have it."

Our policy now rests on a treaty that would deny the furnishing of nuclear weapons to non-nuclear powers, would provide more stringent than usual controls on equipment and materials intended for peaceful purposes, and would make the present test ban treaty more comprehensive.

Some of the nonaligned nations—India, for example—also want a freeze on production and delivery systems and a substantial cut in nuclear forces. These measures have been urged frequently by the United States, but under a system of verification and inspection that the Soviet Union resists. The United States on strategic grounds opposes an advance commitment not to use nuclear weapons. We oppose also tying a nonproliferation treaty to other disarmament matters. The Geneva committee will reconvene toward the end of January. If Moscow continues willing to move ahead, hope for a treaty, however diminished now, remains. Mankind's days may be numbered without one.

SUPPORT FOR 3-YEAR APPROPRIATIONS FOR THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. CARLSON. Mr. President, the establishment of the U.S. Arms Control and Disarmament Agency by act of Congress in 1961 was the result of a bipartisan effort. During its more than 6 years of existence, the Agency has fully justified the trust which the Congress imposed on it. And by its actions, it also merits the legislation proposed by the President today that the Congress authorize the necessary appropriations for the Agency during the next 3-year period.

The U.S. Arms Control Agency has, for one thing, become a symbol for men of peace and good will throughout the world. It stands as a visible sign of inner ideals, of America's dedication to the cause of world peace and to the rule of law and international amity. Yet it is more than a symbol.

The Agency has functioned on the principle that arms control measures can promote the relaxation of tensions and also enhance the security of the United States and that of other nations. And to that end the Agency has agreed recently with the Soviet Union to a draft nonproliferation treaty. The draft resulted from long and arduous negotiations, not only with the U.S.S.R. but with our allies as well. The treaty represents a constructive effort to avoid the considerable dangers—not to mention economic waste—which would be inherent in the further spread of nuclear weapons.

There are today five nations with nuclear weapons. That is too many. But to see a proliferation of such states could be intolerable.

As Secretary of State Dulles said in 1957:

Already large nuclear weapons are so plentiful that their use in general war could threaten life anywhere on the globe. And as matters are going the time will come when the pettiest and most irresponsible dictator could get hold of weapons with which to threaten imense harm . . .

Your government believes that this situation can be and should be remedied.

The proposed treaty will help remedy this situation. This draft treaty, coupled with the limited test ban treaty of 1963 and the Outer Space Treaty, is a major milestone in man's quest to direct the terrifying power of nuclear energy toward peaceful purposes. None of these measures eliminate the menace of nuclear war, but they are significant steps.

The U.S. Arms Control and Disarmament Agency must be given the support necessary to continue its task of searching out ways to put an end to the arms race in furtherance of our national security and that of the entire world.

STUDENTS OF COLUMBIA, S.C., SCHOOL CONTRIBUTE MONEY TO BUILD SCHOOL IN BRAZIL

Mr. HOLLINGS. Mr. President, once again, the young people of South Carolina have demonstrated that the South Carolinian's concern for the underprivileged extends not only to the less fortunate here at home but also to their fellow men abroad.

Yesterday I received from Mr. Jack Vaughn, Director of the Peace Corps, a letter announcing that the A. C. Flora High School in Columbia, S.C., one of my State's finest institutions of learning, had contributed $1,000 to build a school in Curtume, Minas Gerais, Brazil.

This money was raised and contributed by the students. I think this is significant in demonstrating that no one realizes more than the student the value of education. Second, as Mr. Vaughn pointed out, more than a school is being built. These students are also building foundations of understanding and bonds of friendship.

I commend the students and faculty of A. C. Flora High School for this positive demonstration of their continued concern for the well-being of their fellow man as evidenced by their annual International Day celebration, which is dedicated to the promotion of understanding among all peoples of all nations.

I ask unanimous consent that Mr. Vaughn's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PEACE CORPS,
Washington, January 23, 1968.

HON. ERNEST F. HOLLINGS,
U.S. Senate.

DEAR SENATOR HOLLINGS: I have the pleasure of announcing to you that a school in your State has recently sent the Peace Corps a check to help fund schools overseas under the School Partnership Program. The students at A. C. Flora High School in Colombia contributed $1000 to build a school in Curtume, Minas Gerais, Brazil.

This Program makes it possible for schools in the United States to help build schools in developing countries around the world. The students' contribution will be used toward the purchase of construction materials; citizens in the host country will construct the school; and a Peace Corps Volunteer will provide on-the-job assistance. More than a school is being built, however; the students are also building foundations of understanding and bonds of friendship. They are participating in something they feel is worthwhile, and people overseas are seeing the power of American ideals at work.

We are proud of this Program and grateful to the students who are participating in it. I hope we will be able to count many of these fine young people among our Peace Corps Volunteers in the near future.

With warm regards,
Sincerely,

JACK VAUGHN.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPT. HILLIARD A. WILBANKS, MEDAL OF HONOR

Mr. TALMADGE. Mr. President, today, during the noon hour, the Medal of Honor will be awarded posthumously to Capt. Hilliard A. Wilbanks, of the U.S. Air Force. Captain Wilbanks lost his life in the service of his country in Vietnam.

This award, the highest that the Nation can confer, is to be presented by Secretary of the Air Force Harold Brown at the Pentagon. Captain Wilbanks' wife, his four children, his parents, and other members of his immediate family, as well as Members of Congress, are to be present for the ceremony.

Captain Wilbanks originally came from Cornelia, Ga., where he was born the son of Mr. and Mrs. Travis O'Neal Wilbanks. He entered the Air Force in August, 1950, and there began a distinguished career. He rose to a commissioned officer from the enlisted ranks. He held many decorations, service medals, and awards, such as the Distinguished Flying Cross, 19 Air Medals, the National Defense Service Medal, the Vietnam Service Medal, the Good Conduct Medal, the Air Force Commendation Medal, the Purple Heart, and many others. At the time of his tragic and untimely death, Captain Wilbanks was serving as a forward air controller near Dalat, Republic of Vietnam.

Captain Wilbanks died in action while flying his small, unarmed reconnaissance aircraft at treetop level, and firing his rifle out the window of the plane, in an attempt to turn back an enemy assault against a group of outnumbered South Vietnamese Rangers. He successfully broke up the attack, and because of his gallantry many men were saved from certain injury or death.

I know that nothing we can say or do can take the place of Captain Wilbanks in the lives of his family and friends. But we join them in their grief and extend our deepest sympathies. Captain Wilbanks paid the supreme sacrifice in the defense of freedom, and the United States and the free world owe him a deep debt of gratitude.

The citation accompanying the Medal of Honor, authorized by the President of the United States, describes more fully the bravery and gallantry of Captain Wilbanks. I bring it to the attention of the Members of the Senate and ask unanimous consent that it be included in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

The President of the United States of America, authorized by Act of Congress, March 3, 1896, has awarded in the name of The Congress, the Medal of Honor, posthumously, to Captain Hilliard A. Wilbanks, United States Air Force, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

As a forward air controller near Dalat, Republic of Vietnam, on 24 February 1967, Captain Wilbanks was pilot of an unarmed, light aircraft flying visual reconnaissance ahead of a South Vietnamese Army Ranger Battalion. His intensive search revealed a well-concealed and numerically superior hostile force poised to ambush the advancing Rangers. The Viet Cong, realizing that Captain Wilbanks' discovery had compromised their position and ability to launch a surprise attack, immediately fired on the small aircraft with all available fire power. The enemy then began advancing against the exposed forward elements of the Ranger force which were pinned down by devastating fire. Captain Wilbanks recognized that close support aircraft could not arrive in time to enable the Rangers to withstand the advancing enemy onslaught. With full knowledge of the limitations of his unarmed, unarmored, light reconnaissance aircraft, and the great danger imposed by the enemy's vast fire power, he unhesitatingly assumed a covering, close support role. Flying through a hail of withering fire at treetop level, Captain Wilbanks passed directly over the advancing enemy and inflicted many casualties by firing his rifle out of the side window of his aircraft. Despite increasingly intense antiaircraft fire, Captain Wilbanks continued to completely disregard his own safety and made repeated low passes over the enemy to divert their fire away from the Rangers. His daring tactics successfully interrupted the enemy advance, allowing the Rangers to withdraw to safety from their perilous position. During his final courageous attack to protect the withdrawing forces, Captain Wilbanks was mortally wounded and his bullet-riddled aircraft crashed between the opposing forces. Captain Wilbanks' magnificent action saved numerous friendly personnel from certain injury or death. His unparalleled concern for his fellow man and his extraordinary heroism were in the highest traditions of the military service, and have reflected great credit upon himself and the United States Air Force.

LYNDON B. JOHNSON.

SOUTH DAKOTANS HONORED FOR SERVICE IN DEPARTMENT OF INTERIOR

Mr. MUNDT. Mr. President, last month the Department of the Interior held its 35th annual awards convocation at which personnel were recognized for their distinguished service to our Nation.

Among those honored by awards presented by Secretary of the Interior Stewart Udall were two Department members who hail South Dakota as their home State.

The honorees from South Dakota are Miss Winnie G. Baum, who was raised in Sioux Falls, and Mr. Kenneth Holum, of Groton.

I wish to express my appreciation, as their fellow South Dakotan, for their outstanding efforts and to extend my congratulations on their achievements.

Mr. President, as further recognition of Miss Baum's and Mr. Holum's contributions, I ask unanimous consent to have printed in the RECORD the text of the citations presented by the Secretary.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

CITATION

Citation for distinguished service, Winifred G. Baum, in recognition of outstanding service with the Bureau of Sport Fisheries and Wildlife.

Miss Baum began her career in 1934, as Secretary to President Roosevelt's Special Committee for Wildlife Restoration. In 1935, J. N. "Ding" Darling, Chief of the old Bureau of Biological Survey, appointed her as one of the first three employees of the new Migratory Waterfowl Division, which later became the Division of National Wildlife Refuges. As Administrative Officer, Miss Baum displayed exceptional technical and administrative ability with a rare talent for achieving harmonious resolutions of problems. She suggested and was instrumental in implementing efficient fiscal procedures and methods to fit the new and expanding program. She established procedures that encompassed the programing of funds for as many as 312 refuges totaling approximately 28½ million acres. Her effectiveness in administering budgetary control procedures and techniques resulted in significant savings to the Bureau. She had a remarkable grasp of engineering, architectural, and biological requirements that further served, in a practical sense, to make her performance unusually competent. An ability to communicate effectively on all phases of the refuge program with employees at all levels, and her complete appreciation of field problems contributed to smooth-working relationships. Miss Baum's intense dedication inspired enthusiastic support and cooperation from her associates. For her many contributions to the wildlife refuge program, the Department of the Interior presents to Miss Baum its highest honor, the Distinguished Service Award.

STEWART L. UDALL,
Secretary of the Interior.

CITATION

Citation for distinguished service, Kenneth Holum, in recognition of outstanding service as Assistant Secretary of the Interior for Water and Power Development.

For nearly seven years, Mr. Holum has served the Department of the Interior and the United States of America with distinction. He has provided imaginative and courageous leadership in the formation and execution of new policy concepts and goals in the water and power field. Previous to this appointment, he had earned national recognition as a conservationist for his work on behalf of comprehensive river basin and water resource development programs. His skill, perceptiveness and genuine interest in resource management have enabled him to supervise activities of water and power bureaus in a most exemplary manner. Under his direction, a vigorous power marketing program has been carried out. The first all preference customer-federal system power pool was established. He has been instrumental in guiding and encouraging power bureaus to take significant leadership roles in developing extra-high-voltage transmission technology and other similar power concept advancements of vast potential benefit to all Americans. His keen knowledge of water resource development policies and diligent work contributed immeasurably to the authorization of thirty-two Reclamation projects since January 1961. Because of his effectiveness and outstanding conservation record, Mr. Holum has been given numerous complex assignments, one of the most important of which is Chairman of the Federal Interdepartmental Task Force on the Potomac. His profound interest and concern in the conservation ideal is equaled by his consideration for the people with whom he works and deals. It is with genuine pride that I bestow on Mr. Holum the Department's highest honor, the Distinguished Service Award.

STEWART UDALL,
Secretary of the Interior.

FAILURE OF UNITED STATES TO RATIFY HUMAN RIGHTS CONVENTIONS GIVES UNFRIENDLY NATIONS PROPAGANDA ADVANTAGE

Mr. PROXMIRE. Mr. President, one argument brought forth by those who oppose the ratification of the human rights conventions is that whether these treaties are ratified or not makes no

difference. They feel that the conventions produce little in the way of positive achievement. They also claim that our failure to ratify these conventions has harmed us in no significant way. It is this second objection which I seek to answer today.

While there have been no demonstrations in other countries expressing distress at lack of U.S. action, our inaction has not gone unnoticed. The Soviet Union has been particularly adept at using our failure in this area for their own ends. An article from Pravda reads:

It is characteristic that several imperialist powers, in the first place the U.S.A., which has paid lip service to the campaign to halt genocide, has not ratified this convention.

This is no accident. Racial and national oppression is still very widespread in the United States of America.

Such propaganda does not fall on deaf ears. An African or a Latin American reading such an article and noting the riots in our cities might indeed ask if the United States had anything to hide.

Mr. President, we speak much about the battle to win men's minds. I submit that in failing to ratify these conventions we are only helping our enemies. Let us get back in the battle; let us ratify the human rights conventions.

THE HAVASUPAI

Mr. FANNIN. Mr. President, reaching the public conscience is at best a frustrating experience for the American Indian. Although their educational and economic poverty is the bleakest of all minority groups, the Indian has nevertheless suffered public inattention. I know of no tribe which has received less attention than the Havasupai, of Arizona. Located at the bottom of the Grand Canyon, they are virtually inaccessible to all but helicopter and horseback. Fortunately, they have not been inaccessible to the inquiring mind of Martin Goodfriend, a resident of Santa Monica, Calif., who, as a constant visitor to the Havasupai, has compiled in a series of reports an accurate documentary of their plight.

Writing in the Arizona Republic, the astute columnist Don Dedera has ably told the story of the Havasupai and Martin Goodfriend. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Phoenix, Ariz., Oct. 1, 1967]

HOW LUCKY THEY ARE—BUT IS IT REALLY SO?

Ah, paradise! How lucky are the people who live here! May this lovely place never change!"

That is the common reaction of casual visitors to Arizona's famous, fabled Shangrila, the home of the Havasupai Indians near the bottom of the Grand Canyon.

An entirely opposite point of view is taken by one Martin Goodfriend, self-appointed social worker, of Santa Monica, Calif.

Goodfriend (that is his name, although Gadfly might suit him better) believes that Supai is a ticking sociological time bomb. A paradise ruined by misery. A geographical ghetto. America's deepest poverty pocket, at a time of highest prosperity.

And in his most chilling indictment, Goodfriend suggests that Supai is preserved in its primitive condition as a sort of living museum, for the amusement of the nation.

These are harsh charges, indeed. For 12 years officials of the Indian Bureau, the Forest Service, the Parks Department, Public Health, and other agencies have endured Goodfriend's incessant agitation.

He has lived with the Havasupai. He has pried into their secrets. As a result, he has made some enemies among them. He has sent letters, reports and petitions sailing down the labyrinth bureaucracies.

Yet this week, in an agency-by-agency survey, not one official would speak ill of Goodfriend.

A forester said, "His research regarding the basic economic problem of the Indians is sound."

One park superintendent said, "Mr. Goodfriend is a sharp, constant thorn in my side. Some of his ideas we can't accept. But thank God for Mr. Goodfriend. He keeps us on our toes, and he doesn't let us rest on our laurels."

A spokesman for the Bureau of Indian Affairs said, "The long-range goals of Mr. Goodfriend are not in conflict with those of the BIA. We may disagree in timing, that is, how fast the modern world can or should be introduced to these people. After all, the Indians have a say in their own destiny, too. I think we're learning all over the world that you can't magically convert people of other cultures to industrialized democracy overnight. But despite our disagreements, we believe Mr. Goodfriend to be sincere and hard-working."

Goodfriend himself knew poverty as a Jew in Poland under three oppressive regimes. He fled the slaughter to America, to the promise of freedom and dignity.

"For me, the dream came true," he said. "Work hard, obey the law, live by the Golden Rule. Here, it was all possible: the nice home, the family, the opportunity for my children. At an early age my wife and I found ourselves with a valuable jewelry business. We decided to sell out, and enjoy."

Goodfriend served two terms as city councilman of Santa Monica. Although he has been a faithful civic worker (for 25 years a leader of the Boys Club), he said he abhors charity that humiliates the poor, and perpetuates a welfare system. In fact, said Goodfriend, he tends to be in personal politics a rather conservative Republican.

But from his first hike 8 miles down to Supai 12 years ago, Supai seemed to be a special problem. Because of their isolation, a whole tribe were orphans to the 20th Century.

"My fellow human beings and my fellow Americans were deprived the very rights and privileges that had changed my life," said Goodfriend.

The Havasupai had no school, no clinic, no electricity, no road. The telephone was off again, on again. The men had little work. Food prices were out of sight. The modest tourist industry was disorganized, poorly served and unprofitable. Even the historic Supai farms were going to fallow.

Twelve years later, some reforms have come; other conditions are worse. On balance, the plight of the individual Indian has not improved.

Meantime, the same winds of change that have swept the world "out on top" have shot gusts of frustration and discontent down the trail to Supai.

SLOW STARVATION DIET ORDER OF DAY FOR THE SO-CALLED PARADISE—SUPAI

Item by shocking item, here is Martin Goodfriend's description of conditions at Arizona's so-called paradise, Supai:

Most Havasupais are on a "slow starvation" diet. Because of store mismanagement and the high cost of mule and helicopter freight, these are current prices; pound of coffee $1.19; loaf of bread 49 cents; soda pop 20 cents; gallon of kerosene 65 cents; dozen medium eggs 75 cents.

The average income from all sources, wages and welfare, is less than $25 per month per person. "The five richest Indians make no more than $1,500 per year."

Fewer than 50 of the 500 acres of tillable land at Supai are properly cultivated. Reasons: Indian apathy, flood damage to irrigation system, bureaucratic inertia.

For this and other causes, pack animals are being worked without food until they are ready to drop. Packing tourists and supplies, the major Indian cash industry, is in serious trouble.

There's no school past the second grade. Although the Indians have demonstrated an eagerness for school (98 per cent attendance last year), the school has not been expanded. At 8, Havasupai children are taken from their homes and sent to boarding schools—22 to Ft. Apache, 12 to Phoenix, 10 to government and private institutes. And some white men wonder why the Indian family unit is not strong.

Housing is of mud and cardboard. The average is six people to one room. No running water. Because of prohibitive fuel costs, families huddle in the chill, dim rooms through the winter months. Most floors are dirt, and that is where most Indians sleep. There is no privacy, other than the darkness.

A Public Health doctor's assessment: "Eighty per cent of the Supai homes have inadequate sanitary facilities."

Once every three weeks a doctor comes to Supai. One-fourth of the population may be waiting for him. When the 65-mile dirt road to U.S. 66 is closed by weather, that is also when the telephone will be down. Babies have been born to mothers struggling up the trail, trying to reach the nearest hospital at Kingman, 129 miles away. Infant mortality among the Havasupai is 2½ times the national average.

The one potential enrichment of the tribe, exploitation of the thousands of tourists to Havasu Canyon, is hit-and-miss. Hikers avoid paying fees. Although modest improvements have been made to trail, lodgings and campgrounds, accommodations for tourists are at best rustic, at worst, oppressively overcrowded.

During the summer five dozen Havasupai children have nothing constructive to do. The one play area, the schoolyard, is surrounded by a locked chain fence.

With no adult education program whatsoever, the Havasupais are denied elementary knowledge in birth control, home health, and nutrition.

Housing for government officials, although the finest in Supai, is ramshackle and scarce. Duty at Supai for most devoted agency workers means living in a slum-standard house.

These are the most obvious, but certainly not all the conditions deplored by Goodfriend. Knottiest legal obstructions in the canyon are the counterclaims to land ownership. Down through ages of paralyzing primogeniture, the limited plots have been divided and subdivided by so-many-paces, from willow-tree-to-corral-post. Self-help housing, community farming, utility easements—all are clouded and delayed by title disputes.

Most of Goodfriend's report has been confirmed by expeditions of federal observers to Supai. Goodfriend's assessment of the troubled economy was nearly identical to the findings, this summer, by a delegation of the Farmers Home Administration.

Of Goodfriend's report on living standards, an officer of the Department of Health, Education and Welfare wrote, "Numerous members (of our staff) have made the trip into the canyon and agree with you that

the facts, as presented, are accurate and conservative."

Many Americans comfortably removed from the miseries of Supai are convinced the Indians live as they do by preference, out of laziness.

Goodfriend disagrees, saying, "No doubt these people have not sought much help, and they have rejected help offered. But hunger and illness can make people apathetic. Being uninformed can make them seem backward. Generations of isolation, poverty and futility can freeze a group into immobility."

FUTURE ISN'T HOPELESS FOR OUTPOST OF SUPAI

Although "Supai has the makings of a major national scandal," all is not hell in paradise.

The future is not hopeless.

On the plus side, Martin Goodfriend would list:

Adventurous tourists are being attracted by increasing thousands year by year to Havasu Canyon, to the quaint Indian village and the spectacular waterfalls.

Trails and campgrounds have been improved by the forest service, Indian bureau and park service. Demand for pack animals, lodgings and food is high.

Indian packers are earning more this year than in the past.

A tractor has been flown into the canyon, and if more Indians will permit the pooling of their plots, perhaps the farms once again will grow lush.

Almost without exception, government workers, missionaries and school teachers at Supai are sacrificial, energetic and patient. The Head Start program is a shining success.

Effective Indian leaders are emerging. Changes in the tribal constitution and by-laws are being drafted, to make the local government more responsive. Sixty adults have petitioned Coconino County to establish an election precinct at Supai, so that the Indians might have a way, as well as the right, to vote.

The Supai people seem to have true friends in high office in the various government agencies working with them.

Why, then, do the Indians live in squalor and humility scarcely equaled in the worst urban slum?

In his door-to-door visitations, Goodfriend has gotten to know each of the 220 Havasupai living in the canyon. The bleak, hard facts of Supai survival are summarized in a card file more current and complete than the official census.

I do not believe they live the way they do by choice," said Goodfriend. "They know what the world is like on the outside, and they want the best for their children.

"Why PTA has a better representation in Supai than you'll find in a city. These people, admirable in so many ways, want a better life, just as you and I."

Root cause of Supai poverty, in Goodfriend's judgment, is the isolation, artificially preserved into the last third of the 20th Century.

"Some more efficient way must be found to transport the things that Supai needs," Goodfriend believes. "A tramway? Perhaps not. A Jeep road? Maybe so. Such a road would not have to be open to the public, but it would be the answer to so many of the problems.

"The doctor could come in more often, and patients would have a way out. Food would be cheaper. Building materials wouldn't have to sell for two prices, because of the helicopter fee.

"The people might afford fuel to heat their homes. Feed for the horse could be brought in at reasonable prices.

"But every time you mention a road there is a great outcry: Don't ruin this precious retreat! Don't spoil nature! Don't put a road into this paradise! These are people who spend a few days at Supai; they'd think different if they had to live there all year.

"Well, okay, if that's what we want, we shouldn't make the Indians pay for it. Maintaining a community at end of a mule trail at the bottom of a canyon is not very practical, and somebody has to pay.

"The tourist industry could be the salvation for the Indians. But they need to be taught good business methods. In Supai there should be a full-time social worker, a man with a lot of know-how, to motivate the Indians to do for themselves. They need better store management, electricity, a new warehouse, a community hall, adult education, tighter control of their packing business, schooling past the second grade, and better medicine.

"But right now, more than anything else, the Indians need food they can afford. If the housewives of Scottsdale had to stand in line for an hour for the privilege of paying $1.20 for a pound of butter and 49 cents for a loaf of bread, there would be rebellion in the streets."

PRESIDENT JOHNSON TAKES A NEEDED STEP IN PROPOSING CIVIL RIGHTS MEASURES

Mr. YOUNG of Ohio. Mr. President, the President of the United States has submitted his message to Congress in support of civil rights legislation. I strongly support the proposals contained in his message.

We must assure that all Americans are free and equal under the law. The issue is not whether all of our citizens are entitled to the same rights, privileges and opportunities, because clearly they are, but how we can best guarantee the fulfillment of that principle.

No veteran of the war in Vietnam, who has just returned home after risking his life for his country, nor any other American, should be denied a job, a home, or a place on a State or Federal jury.

We in the Congress, at this most critical time in our Nation's history, must assure that our laws adequately guarantee all the rights and privileges to which our citizens are entitled.

For that reason, I stress the need for Congress to enact into law the President's proposals to assure protection of persons exercising their civil rights, to provide for impartial justice in the selection of Federal and State juries, to guarantee open housing, and to strengthen the powers of the Federal Government to meet the problem of discrimination in employment.

Should we fail to act to destroy the evil of discrimination, which is at the very root of our urban ills, we will have failed to uphold those high ideals to which we have always been and still are so deeply committed. I am confident that this Congress will meet this challenge.

RED FLAG ON THE HIGH SEAS

Mr. BOGGS. Mr. President, in recent years Russia's merchant fleet has been growing rapidly. At the same time ships flying the U.S. flag have accounted for a smaller and smaller percentage of our Nation's waterborne foreign trade.

Dr. James D. Atkinson, professor of government at Georgetown University and international politics editor for the American Security Council, discusses the background of this situation in an article entitled "Red Flag on the High Seas," published in Washington Report.

His comments deserve close study and thoughtful consideration by those interested in having the United States keep a vigorous merchant fleet both for reasons of economy and national defense.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED FLAG ON THE HIGH SEAS

THE GEOPOLITICAL CONFLICT

Within the memory of living men, Russia's merchant fleet was so insignificant a factor in world politics that it was scarcely worthy of comment. Thus the great authority on sea power, Admiral Alfred Thayer Mahan, dismissed Russia's merchant navy with the observation that "Russia has little maritime commerce . . . her merchant flag is rarely seen."

Today the world scene is strikingly different. The hammer and sickle flag of the Soviet Union is seen on all the seas of the world and Soviet plans for the future are so ambitious that they have over 200,000 people enrolled in the Leningrad Institute of Transportation, the Odessa Maritime Academy, and other maritime institutes.

From an almost negligible figure of 1.6 million deadweight tons in 1939, Soviet merchant shipping expanded to 3.6 million deadweight tons in 1958. The really spectacular gains, however, have come in this decade of the 1960's. Thus from a figure of 4½ million deadweight tons in 1963, Soviet merchant shipping jumped to 8.9 million deadweight tons as of January 1, 1965. The lastest figure, released by Lloyd's Register on October 10, 1967, indicates that the U.S.S.R. added 1,125,000 tons in the last year alone and the Soviet merchant marine now stands at 10,617,000 deadweight tons which places it in *sixth rank* in the world. What is significant about all this is the rate of growth, for *only five years ago*, the Soviet merchant fleet ranked *number twelve* in the world!

While important, the statistical data alone are insufficient as a guide to the future thrust of Soviet maritime programs. Some indication of burgeoning Soviet operations at sea is given by programs during 1966 and 1967 which are directed at our own Western Hemisphere. When the 19,860 ton *Alexander Pushkin* dropped anchor off Quebec City on April 27, 1966, it was an historic first. This was the first time in the history of maritime affairs that the Russians had entered the ocean liner traffic of the Western Hemisphere. In view of some of the optimistic predictions in some quarters in the West about future Soviet maritime plans, it is also worth noting that the *Pushkin's* maiden voyage came only eight months after Soviet Minister of Merchant Marine, Victor G. Bakayev, had said that the U.S.S.R. had no intention of establishing passenger lines across the oceans. As the British merchant marine continued to decline in 1967 and as the Cunard Line decided to give up the British-Canadian passenger traffic, the Soviets and their Polish partners prepared to take over the British passenger presence. The authoritative London *Daily Telegraph* stated November 11, 1967, that the U.S.S.R. might place "a second new ship on the London-Montreal run and the Poles plan extra sailings from Southampton to Canada next year."

Even the St. Lawrence Seaway, the entrance to the great agricultural-industrial heart of America, the Mid-West, was not immune to Soviet politico-economic penetration. The New York *Times* (November 12, 1967) reported that Peter M. McGavin, executive secretary-treasurer of the Maritime

Trades Department, AFL–CIO, stated that the Soviet Union made 19 voyages through the St. Lawrence Seaway this year and thus equaled the number of U.S. voyages made on that key waterway.

U.S. SHIPPING: DECLINING ASSET OF NATIONAL SECURITY

Mr. McGavin's comment that "the Russians have caught up with us in our own back yard," that is, in the Great Lakes area, graphically illustrates the steady attrition of U.S. shipping since the end of World War II. Thus in 1947, the U.S. merchant marine carried 70% of our foreign trade while by 1960 it had dropped to 11.1%. Figures released in October, 1967, by the Foreign Trade Division of the Census Bureau are even more alarming. They indicate that for 1966, U.S. flag merchant ships carried only 7.3% of the nation's waterborne foreign trade. This is the lowest figure since 1921! The U.S. stake in the waterborne carriage of goods continues, however, to go up as our capability goes down. In 1965 our aggregate total of exports and imports in waterborne commerce was 427 million tons valued at $32.7 billion as compared to 1966 when it rose to 452 million tons valued at $36.9 billion. If present trends continue, by 1970 U.S. flag merchant ships may be carrying less than 5% of our exports and imports.

The American shipping decline is going on at the same time that Soviet shipping is forging ahead. Thus, as of May, 1967, the Soviet Union had building or on order a total of 4.3 million tons of merchant shipping (526 ships) while the United States had only 600,000 tons (45 ships) building or on order. Over the past several years, delivery of merchant ships flying the U.S. flag has been, on the average, only 15 per year while the Soviet Union has averaged over 100 per year. The U.S.-Soviet comparative situation is basically this: We have not embarked on a major effort to build merchant ships since the Second World War; they began a major effort almost ten years ago *and* are continuing to pursue it with undiminished vigor.

COLD WAR ESCALATION AT SEA

On November 16, 1967, the U.S. Maritime Administration released a strangely ambivalent pamphlet on the Soviet Merchant Marine. Taking cognizance of the nature of the Soviet state, the short study points out that the Soviet merchant fleet could be used "as a political instrument for economic purposes and an economic instrument for political purposes." But it then goes on (based on a January, 1967, statement of Soviet Minister of Merchant Marine, Victor G. Bakayev) to indicate that the U.S.S.R. will not upset the international maritime balance. One might agree that this may be true of 1967 or even of 1968. But what of the future? The U.S. merchant marine has been steadily deteriorating. And the British merchant marine—upon which many of our exporters and importers have placed reliance—now appears to be headed towards a sharp decline. Can we believe that the Soviet Union will be so conscientious that, in the future, it will refrain from taking advantage of what will be a geo-political fact of life? A recent pronouncement of Merchant Marine Minister Bakayev suggests that reliance on future Soviet good will on the high seas may be as futile as our past hopes that the U.S.S.R. would refrain from developing an orbital bombardment system. Minister Bakayev pointed out that (August 4, 1967): "You can see Soviet ships on all the waterways of the world. They visit more than 800 ports in 90 foreign countries, and the number of them on world sea routes increases year after year." And then he went on to say something that is cold comfort for those who would rely on Soviet promises instead of a strong, modern American merchant fleet. Said he: "Already today it (Soviet Merchant Marine) stands on a par with the fleets of traditional sea countries in all its indexes, and *in the near future it will have no equal competitors.*" (Emphasis added.)

Some indication of the future thrust of Soviet maritime power is given by the escalating Soviet effort at sea to build up the North Vietnamese. American Security Council's Washington Report for August 21, 1967, pointed out that Soviet shipping going into North Vietnamese ports showed a marked increase this year over 1966. As of June 1967 the rate was eighteen ships per month with an additional 2 to 5 Soviet satellite ships per month and that a Moscow Radio broadcast of July 28 had boasted that Soviet ships left Odessa "practically every day with cargoes for Vietnam."

Equally instructive as to the possibilities inherent in employing a merchant marine presence as a psycho-political and subversive warfare weapon is a statement made by the Cuban Communists. In discussing the policy of "maximum expansion of our merchant fleet," Havana Radio on November 1, 1967, stated that young Cubans in maritime training schools would be "taught the language, geography, and history of the countries they will visit." When this is viewed in the context of Soviet directed and assisted training for unconventional warfare in Cuba, it would appear that, far from declining, the Cold War will be intensified at sea during the coming decade.

JOINT ECONOMIC COMMITTEE HITS CONGRESSIONAL SPENDING CUT ON NOSE

Mr. PROXMIRE. Mr. President, in the rush to adjournment last session and in the continued focus on the seriousness of our economic problems, I think that insufficient attention has been given to the quite substantial achievement of Congress in holding down budgetary appropriations and expenditures. Undoubtedly, a part of the lack of recognition and dissatisfaction can be attributed to the inability of Congress to make sharper reductions in the President's budget proposals in view of the large deficit and huge expenditures in Vietnam. I also had hoped we could do better.

Nevertheless, the tally of final congressional action shows a record of substantial achievement in holding down appropriations and expenditures, which should not be ignored. The President responded to congressional pressure for additional budget cuts by proposing a reduction in the civilian budget to the extent of 2 percent of personnel costs and 10 percent of controllable program costs, and a reduction in the non-Vietnam portions of the defense budget of 10 percent. These measures were enacted by Congress in December and are estimated to have reduced obligations by approximately $4.6 billion. In total, Congress trimmed obligations in the President's initial budget proposals by nearly $10 billion. Not all of this reduction will be reflected in fiscal 1968 expenditures, but the Bureau of the Budget estimates a reduction for the current fiscal year of $4.3 billion. The balance of the cuts will be reflected in lower expenditures in future years.

This reduction of nearly $4½ billion in expenditures is significant. In its 1967 report on the President's Economic Report released last March, the Joint Economic Committee declared that the first imperative for fiscal policy was to reduce expenditures for fiscal 1968 by $5 to $6 billion. This recommendation was criticized by many in the press and elsewhere as on impractical proposal. Apparently very few people thought that Congress would or could come close to this mark. As I repeatedly stated, I thought this goal was well within reach, and the record shows that Congress came very close to achieving reductions of this magnitude. I make reference to this past discussion only to emphasize the significance of the budgetary performance.

I did not agree with all of the cuts. I would have preferred a more selective approach, with deeper cuts in what I consider low priority areas—public works, the development of the supersonic transport, and others. Clearly we need to do better in defining our priorities.

ERIC HOFFER WRITES ON THE NEGRO QUESTION

Mr. BYRD of West Virginia. Mr. President, recently Eric Hoffer, the longshoreman-philosopher, had a most interesting commentary on the situation in which the American Negro finds himself.

Hoffer, in an article entitled "Negro Knows Himself Only by Hearsay," published in the Washington Post, contends:

That which corrodes the soul of the Negro is his monstrous inner agreement with the prevailing prejudice against him.

To annul the white hearsay and be what he chooses to be, the Negro must become his own playwright, stage his own play, and cast himself in a role of his own choosing.

Whether or not we agree with Hoffer, I think that there is a most penetrating kernel of thought in what he says.

I commend this article to the attention of the Senate and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGRO KNOWS HIMSELF ONLY BY HEARSAY

(By Eric Hoffer)

The plight of the Negro in America is that he is a Negro first and only secondly an individual. Only when the Negro community as a whole performs something that will win for it the admiration of the world will the Negro individual be completely himself.

Another way of putting it is that the Negro in America needs pride—in his people, their achievements, their leaders—before he can attain self-respect. At present, individual achievement cannot cure the Negro's soul. No matter how manifest his superiority as an individual, he cannot savor "the unbought grace of life."

The predicament of the Negro in America, then, is that what he needs most is something he cannot give himself; something, moreover, which neither governments, nor legislators, nor courts, but only the Negro community as a whole, can give him.

HIS OWN PLAYWRIGHT

Despite the vehement protestations of Negro writers and intellectuals, the Negro is not the white man's problem. On the contrary, the white man is the Negro's chief problem. As things are now, the Negro is what the white man says he is—he knows himself only by white hearsay.

That which corrodes the soul of the Negro is his monstrous inner agreement with the

prevailing prejudice against him. To annul the white hearsay and be what he chooses to be, the Negro must become his own playwright, stage his own play and cast himself in a role of his own choosing.

The Negro needs genuine, unequivocal heroes. Martyrs or slogan-slingers cannot make history. Surely, if in Israel a few thousand fugitives from gas chambers stood up on their hind legs and defied 40 million Arabs, it should be possible for American Negroes to stand up to a pack of cowardly white trash.

The black counties in Alabama and Mississippi are more truly the homeland of the Negro than Palestine is the homeland of the Jew. Yet one has the impression that the Negro has no taste for the patient, quiet organizational work which is the taproot of any durable social achievement. The prevailing feeling seems to be that everything the Negro needs must come full grown from without.

When James Baldwin went to Israel several years ago, there was something he should have seen, namely, a paradigm of what the weak can do to heal their souls. He wrote instead an article for Harper's magazine in which he said that a cynical Britain and a cynical American gave Palestine to the Jews.

To Baldwin it is self-evident that if you have something, it is because someone gave it to you. He seems unaware of the elementary fact that no one can give us freedom or take away our shame and that all we can expect from others is that they wish us well.

NO SELF-STARTERS

One begins to wonder whether the American Negro has the capacity to create a genuine community with organs for cooperation and self-help. You strain your ears in vain amid the present Negro clamor for a small voice saying: "Leave us alone and we will show you what we can do." If it be true that the only effective way to help the Negro is to help him help himself, then the Negro's aversion to, or perhaps incapacity for, a self-starting, do-it-yourself way of life makes it questionable whether he can ever attain freedom and self-respect.

One cannot think of another instance where a minority striving for equality has been so deficient in the capacity for mutual aid and cooperation. Almost invariably when a Negro makes his mark in whatever walk of life, his impulse is to escape the way of life, the mores and the atmosphere of the Negro people. He sees the Negro masses as a millstone hanging about his neck, pulling him down and keeping him from rising to the heights of fortune and felicity.

The well-off or educated Negro may use his fellow Negroes to enrich himself (insurance, newspaper publishing, cosmetics) or to advance his career in the professions or in politics, but he will not lift a finger to lighten the burden of his people. Thus the most enterprising and ambitious segment of the Negro population has segregated itself from the Negro millions who are left to wallow in the cesspools of frustration which are the Negro ghettos.

COPPER STOCKPILE SITUATION

Mr. FANNIN. Mr. President, it is my understanding that the Secretary of Commerce is planning to release some copper stocks from the national emergency stockpile to help to alleviate some of the critical shortages facing the Nation and its war effort.

If the administration takes this action, it is still another indication of the critical situation the copper supplies, and thus the war effort, have come to, and still a further reason for invoking the emergency provisions of the Taft-Hartley Act.

Accordingly, yesterday I sent the President the following telegram:

DEAR MR. PRESIDENT: It is my understanding that the Secretary of Commerce is planning to release copper stocks from the national emergency stockpile. This is just one further indication of the critical point to which the copper dispute has progressed. I urge you once again to invoke emergency provisions of the Taft-Hartley Act that will put the miners back to work, relieve the suffering of their families and allow the war effort to be prosecuted without impediment.

I am aware that some Members of Congress have suggested to the President that he appoint some sort of factfinding commission to investigate the situation and recommend terms of settlement. But Congress has given the President no such authority. His authority is limited to the precedents provided in the Taft-Hartley Act.

So far as I can see, the appointment of a commission would serve only to prolong the strike, not to shorten it.

If the President needs to have more facts about the strike, he need only ask the Director of the Federal Mediation and Conciliation Service who has been sitting in on every bargaining session since the strike started; or he can talk to the Secretary of Labor or the Secretary of Commerce, both of whom have been informed of the situation on a day-to-day basis.

Appointing a Presidential factfinding commission might be a politically expedient form of Presidential intervention, but when the national security has been threatened by the continuation of a strike, the time has come to put aside partisan politics, follow the law, and bring an end to that threat.

If the President needs a precedent for such an action, he need only review the action of Harry Truman, who took exactly that course in 1951, when a nationwide copper strike threatened the prosecution of the Korean war.

VIETNAM ALTERNATIVES—ADDRESS BY GEN. MAXWELL B. TAYLOR BEFORE VIRGINIA BAR ASSOCIATION

Mr. SPONG. Mr. President, earlier this month I was privileged to appear with and introduce General of the Army Maxwell B. Taylor when he spoke in Williamsburg, Va., at the midwinter meeting of the Virginia State Bar Association.

In his address to the Virginia lawyers, not given from a prepared text, General Taylor clearly outlined the alternatives available to this country in Vietnam and discussed the advantages and disadvantages of each. Coming from someone so familiar with the history of our involvement in Vietnam and the problems we face there, General Taylor's remarks are, I think, of considerable interest.

I ask unanimous consent that a transcript of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

VIETNAM ALTERNATIVES

(An address by Gen. Maxwell D. Taylor, special consultant to the President of the United States and President of the Institute for Defense Analyses, before the Virginia State Bar Association, Williamsburg, Va., January 5, 1968)

I am most happy indeed to be with you this evening, even if it is to discuss perhaps the most worn topic of conversation in the United States today—our commitment in Southeast Asia and Viet Nam. I think it is an arguable point as to whether it is a public service to continue this debate which goes on in our every forum, beginning in the Congress and the press and the publicity media, carried on throughout the academic world, and even in our dining rooms at home.

Nonetheless, I think the very fact this issue has assumed such proportions is a reminder that we are becoming conscious in a deeper sense than at any time in our history, of the magnitude of our foreign commitments. Foreign policy is no longer an abstract subject taught in the schools of International Affairs in the universities, but is something that comes home to us personally and directly.

Now we are at the start of a new year—1968. I don't know how it looks here in Virginia, but I can assure you that from where I sit in Washington, it promises to be a very turbulent year. It is a year of war, a year of a presidential election, a year of concern over the stability of our currency. It is a year of an unsettled crisis in the Middle East. I would suspect that we are going to have many other problems as we go through the year, but none is likely to be more urgently with us than this issue of Viet Nam. I suspect that the candidates for election of both parties will consider that this is a year for seeking alternatives—ways and means to find better devices, a better solution, to the problem of South Viet Nam than the course we are following today.

For that reason, I have taken as my topic tonight "Viet Nam Alternatives." In the short space of a half hour, I would like to indicate what seem to me to be the broad alternatives which we have—and they are not numerous—and then to analyze the pros and cons, not necessarily as they appear to me but as they appear in the debates which one hears about the country.

If we are looking for alternatives, the first point is to ask—an alternative to what? I think the answer is—an alternative to what we are doing in Southeast Asia. Then we have to ask ourselves, "Well, what are we doing?" That is not nearly as difficult to answer as some of our citizens seem to find it. It seems to me we have stated our objective very clearly. Three presidents have done so—in slightly differing language sometimes, but always in essentially the same sense. I would simply cite the statement of President Johnson at Johns Hopkins in 1965 when he said, "Our objective is the independence of South Viet Nam and its freedom from attack. We want nothing for ourselves, only that the people of South Viet Nam be allowed to guide their own country in their own way."

That is a very simple statement—clear, I think, and unambiguous. We can all understand it. But it seems to concern some of us who say, "But look, we are changing objectives." Some find it contradictory that our leaders say that what we are doing in Southeast Asia is in the interest of the United States. Others will claim that we have changed our objective because we have said that we are containing China in Southeast Asia. I don't find these to be contradictions at all. It is true, I think that Presidents Eisenhower, Kennedy, and Johnson have had the primary purpose of responding to the request of the people of South Viet Nam for assistance against the aggression directed from North Viet Nam, and that is the primary rea-

son why we are there. But it is certainly laudable, it is legal, it is praiseworthy to be able to kill more than one bird with this stone and to do other things as well.

If indeed we are successful in accomplishing this basic purpose, we will have done a number of things in addition to setting up an independent Vietnam. We will have fulfilled our treaty obligations under the SEATO Treaty. We will have resisted the "War of Liberation", which the communist leaders have proclaimed the preferred means for the expansion of communism in the future because it is cheap, it is disavowable and relatively free from risk. We will have discouraged Red Chinese militancy by giving convincing evidence of the fact that the American tiger is far from being a paper one.

Finally, in reaching a settlement in South Viet Nam which meets our basic objective, we will have brought stability, peace and eventually a higher standard of living to a very important part of Asia. All of these things, I will say, are quite compatible with the interests of the United States. In fact, they are the interests of the United States. Having identified our objective—as the simple one I have just stated—as our purpose for being in Viet Nam, then we have to ask ourselves, "What is the strategy we are pursuing? How are we trying to attain this objective?"

That can be answered, I think, rather simply by saying that we are using military force in South Viet Nam in order to repulse the guerrilla war supported by the armed forces of North Viet Nam, not for the mere purpose of attaining a military victory in itself, but to shield and protect the population of South Viet Nam in order to be able to build a new nation behind the defenses erected by our military forces.

That, I would say, is a short answer to what is our present course, and it is to this course that we are seeking an alternative in our subsequent discussion.

It is our hope, of course, that if this present objective and strategy are carried to a successful termination, Hanoi will desist, that the Viet Cong guerrillas will either be dissolved or be absorbed into the social and political structure of South Viet Nam, or will return into North Viet Nam, that the foreign forces—our own, those of North Viet Nam, the Koreans, the Australians, the New Zealanders, the Filipinos, the Thais—will all go home and a new nation will arise. That is the goal. That is the dream, if you will, of those who believe in the present course of action.

But the critics—those who are seeking a new alternative—say, "Well, General, it's just not happening that way," or, "It's not happening fast enough," or, "It probably never will happen." So let's look about us and see if there are better ways to serve our nation and our objective in Southeast Asia.

Before talking about other alternatives open to consideration, let me mention two or three things which really are not alternatives, yet sometimes in some of the debates one gets the impression they are. For example, I hear many of our citizens say we shouldn't be in Viet Nam; or that we should keep out of Viet Nam. The hard fact of life, ladies and gentlemen, is that we are in Viet Nam right up to our governmental neckties, and no amount of wishing or hoping or lamenting about the past will get us out. So it is not an alternative to regret the past and wish it hadn't happened.

Others will say, "Let's negotiate," as if negotiation in itself were an end or an alternative. Obviously, negotiation is only a procedure to an end. It is a possible way of sealing the gain or loss of our objective, a possible way of lowering the curtain on the crisis in Viet Nam but it is far from being the only way. Such respected statesmen as Dean Acheson and Cabot Lodge have said that they don't believe the Communists are ever likely to negotiate, that rather the Viet Cong and their allies will subside, they will disappear, they will pull back and gradually there will be a fade-out of military action and a progressive restoration of peace. That may well be. I don't think we need to argue that point here. But negotiation is not an alternative for our unilateral choice nor an end in itself. Negotiations may provide a means to the end but only in an atmosphere of sincere desire on both sides to reach a reasonable settlement which offers the promise of durable peace.

A third non-alternative, I would say, is neutralization. A number of our public figures are saying, "Let's neutralize Southeast Asia." That may be a part of a settlement, but it is not an alternative in itself. To be feasible, a lot of Vietnamese have to agree to be neutralized, and furthermore, a lot of great powers have to agree to guarantee that neutralization before it can have any real meaning.

So, "keeping out of Viet Nam," "negotiations", and "neutralization" are words which indicate emotional attitudes or procedural devices which may or may not be applicable to this situation. But they are certainly not alternatives in the sense I am discussing them tonight.

Then, what are the real alternatives? I would say you can sum them up very quickly. We can either withdraw, we can draw back, we can make a maximum military effort, or we can continue to do about what we are doing now. Or, to sloganize—since slogans seem to be necessary to attract and hold attention—our choices are "Pull out," "Pull back", "Go all out", or, "Stick it out".

If you will allow me, I shall pick up each one of these alternatives and talk about the pros and cons, the advantages and disadvantages of each one. First, let me talk about the extreme alternative, the pull-out—that we decide to roll up our tents, pick up our chips and come home.

Exactly how could we do that, if that is indeed our decision, in a short period of time? I frankly don't know. I think it would be very difficult. But let's assume it can be done. Mendes-France, you recall, in 1954 found a way for the French to get out. He announced that on a given day, thirty days after he came into office, July 15, 1954, that he was simply going to go home unless somebody signed some papers. Well, those papers were quickly signed, and of course, they were a sell-out to the communist Viet Minh.

But let's assume that today the decision is a feasible one to withdraw quickly from Viet Nam. What are the advantage of that course of action?

I think the proponents would say the obvious things—that this would stop this lamentable waste of our national resources which are now going into the war in Viet Nam; that it would remove the danger to world peace which is inherent in any military operations any place in the world; that it would end the internationl criticism which is directed at the United States from many quarters; and finally, and perhaps most importantly, it would reunite our people now deeply divided on the issue of Viet Nam.

I think those are the principal arguments in favor of withdrawal. But on the other side, what do we have to take into account?

To use a very low-key adjective, I would say this would be a resounding defeat for American foreign policy in Asia. The flag of that policy has been nailed to the mast in Southeast Asia with nails from both parties, driven in by three different administrations. And certainly, the effect of accepting defeat of that policy which began in 1954, would be indeed resounding.

Next, that defeat would be a vindication from the communist point of view of the effectiveness of the so-called "War of Liberation" technique of tunnelling under the conventional defenses of the non-communist countries, utilizing guerrilla forces sustained from communist sources on the outside. This method has been announced by both Peking, Moscow, and Hanoi as the favored technique in the future for expanding communism. Lin Piao, the number two man in Red China, has said that it will be used not only in Asia, but in Latin America and Africa as well. From the Chinese point of view, our defeat would be taken as a clear indication that Mao's thought is just as efficacious as has been advertised in the Cultural Revolution.

What would be the effects in the countries of Southeast Asia resulting from the loss of South Viet Nam, or the absorption of South Viet Nam into the communist orbit under the communist leadership of Hanoi? For one thing, it would probably result in a blood bath in South Viet Nam which can only be suggested by the events that took place in North Viet Nam from 1954 until 1956. In that period of time, Ho was consolidating his communist state north of the 17th Parallel. A writer as generally adverse to American policy as the late Bernard Fall states that at least 50,000 North Vietnamese were executed by firing squads in that period of two years, and many thousands more were sent to concentration camps. Other writers have placed the loss of life as high as 200,000. The executions were used by the communists in North Viet Nam in order to establish their regime.

What we could expect to see in South Viet Nam would be the slaughter of our friends, comrades and allies, which would make the bloody repression of the revolt in Hungary seem like a tea party in contrast.

I would not estimate the effect on the neighboring countries to be necessarily a verification of the domino theory, because I don't think the domino theory exists as a law of nature in the sense that in some sequential order, if South Viet Nam went down, each neighbor would fall like a domino. But, I would certainly expect that Southeast Asia would become a sort of epicenter from which a tidal wave would flow, capable of overturning weak governments not only in this immediate neighborhood, but in other areas such as Latin America and Africa, as well.

On our home front, I don't know what would happen if we gave up and came home. I can only suggest the example of France. Let me remind you that those politicians and those parties responsible in the eyes of the French people for the defeat in Southeast Asia, and later for the defeat in Algeria, were condemned to political impotence and loss of office in future governments. The rise of the authoritarian Gaullism which replaced these governments can be traced back to the loss of Southeast Asia.

Those are some of the principal points that come to mind when we talk about the consequences of withdrawing. Fortunately, very few of our citizens today—in public, at least—will support a direct withdrawal at this time. Even behind the anonymity of the polls, one finds not more than nine to ten percent of our citizens polled who will support this course of action.

But there are a few who will try to dress up the proposal by saving, "Let's withdraw with honor". Or, "Let's withdraw as soon as possible." Or by adding other qualifying phrases which seem to make the course of action more acceptable. But to my mind, they are really no different in a basic sense and are endowed with the same pros and cons which I have discussed.

The second alternative we mentioned was the pull-back—the de-escalation alternative—"Let's stop pressing; let's pull back and reduce what we are doing in the military field, or in the political field, or in the economic field, or in all fields".

One finds many variants of this alternative. I am sure the proponents of a pull-back will include some who will merely say, "Let's reduce the bombing of the north." There

are those who would go further and add, "Let's stop the offensives in the south; let's put our troops in a defensive posture." Others will add, "And, furthermore, let's not escalate further by sending more of our troops to Viet Nam."

It is very curious how the word "escalate" has grown to mean among other things to "reinforce" or to "replace". It now covers almost any act which we may take in Vietnam, but never seems to apply to actions taken by the other side.

I think that the extreme form of the pull-back alternative is the so-called enclave strategy, which has been described as pulling back from the battlefields of the interior and going into defensive areas along the coast, and there sitting and waiting until the other side gets so tired of seeing us that presumably they will seek a favorable settlement.

Thus, as I say, this pull-back alternative has many variants—some are extreme and some are relatively mild.

But what are the pros and cons? I'm sure those who would recommend any act of de-escalation would say that it is good because it would tend to defuse the situation—lower the level of tension. And in so doing, it would create an atmosphere more favorable for negotiation. In so doing, one would reduce the costs of the war and the losses of the war. Finally, we would tend to assuage the criticism directed at the United States for using its vast power against this small Asian country of North Viet Nam. Those, I believe, are the principal arguments for it.

To me the greatest argument against the alternative is that it would amount to a deliberate self-imposed stagnation. In the past, we have often heard the criticism that we are not moving fast enough, that we are bogged down in Viet Nam. I don't happen to believe that, but we would surely become stagnated if we deliberately interrupted the momentum that we have created so painfully and at such great costs and gave up the advantages of the offensive. The effect upon our allies, I would think, would be very serious, because we would be abandoning them on the battlefield—the South Vietnamese, the Koreans, the Australians, and all the rest of our allies who are fighting in Viet Nam—and looking after our own safety.

I would hate to command American Troops who were given such an order to retreat and wait. I would hate to think of the losses which they would take, sitting passively on the beaches while the enemy fired their long-range mortars and their artillery, imposing losses to which our men could not respond.

At home, we might succeed in accomplishing what now seems the impossible—the union of both the hawks and the doves. The extreme hawks are saying, "Let's win quickly, or get out." And this would certainly not be winning quickly. The doves have always said, "Well, let's get out." Under this alternative, both parties would find reason to get out.

So, when you add all factors together, it seems to me that we have to accept the fact that the pull-back one way or another really equates in the long run to the pull-out.

Now let me pass to the other extreme, the alternative of the ultimate hawks: "Let's remove all restrictions on the use of our military power and go all out and win quickly, and decisively."

Here again, the advocates of this course of action have many colorations. There are many variants of this proposition. But generally speaking, the all-out alternative means, I think, to seek a military victory in a minimum period of time pretty much regardless of consequences. It is basically a reaction against the so-called gradualism of the application of military force.

This gradualism has been built into our strategy deliberately from the outset, with a feeling that we should apply military pressure, particularly air pressure against North Viet Nam, little by little to give Ho Chi Minh and his counselors adequate time to change their ways, to realize that destruction in the long run would be impossible to avoid, and hence to realize that it would be to their interest to accommodate their behavior to these hard facts.

But that very gradualism is opposed to the concept of "Let's strike hard, quickly and decisively." So with the abandonment of gradualism, presumably there would be virtually unlimited bombing of the north. In South Viet Nam, usually this alternative connotes also an expansion of the ground war.

This expansion could take several forms. It could be by movement across frontiers into the so-called sanctuaries, both in Laos and in Cambodia, or into the Demilitarized Zone, from which we have received heavy blows from the forces seeking protection there.

Finally, in an extreme form of the all-out alternative, one could contemplate an invasion of North Viet Nam, particularly some kind of Inchon landing, behind the forces which are now concentrated along the Demilitarized Zone.

Furthermore, some of the proponents of the all-out alternative would say, "Let's declare war. It's been a mistake thus far not to have proclaimed a condition of war which would impose certain obligations on citizens which traditionally we have accepted. Under the conditions of war, we would then go out for all guns and no butter."

Again, let's follow our past procedure and ask ourselves what is good and what is bad about this alternative. On the pro side, the argument is that it will be fast, decisive, and economical, because the long drawn-out war is always the costly war—in manpower required, in losses suffered, and in dollars spent. It would represent the full utilization of our great military strength.

Furthermore, in so doing, it would pull the country together. If we really felt that we had to roll up our sleeves and pull in our belts, our whole attitude towards Viet Nam would change. Those who are proposing this course of action would add that we had better do this quickly, because it is quite apparent that the determination of the home front is ebbing and we should do something quick before that resolution gives out.

Those are rather potent arguments, I think. But let's ask ourselves as usual, "What can be said on the other side? What about the difficulties and disadvantages of this course of action?"

Speaking as a military man, I would say that the greatest difficulty is the absence of targets against which to direct our tremendous military strength, both on the ground and in the air. On the ground, we have an elusive guerrilla enemy. We cannot say that tomorrow morning at 9:00 o'clock we will go out and have a battle with him. We have first to find him, then to fix him. We virtually have to surround him before we are sure of destroying him. He is a very clever fellow, hard to find and fix. Furthermore, he is able to slip across into the sanctuary areas where we can't follow him. So, the absence of ground targets has been a serious limitation upon what we can do with our ground forces in South Viet Nam.

The air war against North Viet Nam is very similar in a somewhat different way. We have struck virtually every target of any military significance in North Viet Nam already, except for the Port of Haiphong and the urban areas of Hanoi.

There are good reasons—perhaps not compelling, but they are good reasons—for having not gone farther in the target system than we have. There is a strong argument for conserving Hanoi as a government, hoping thereby one day to have competent authorities to work with in terminating the guerrilla war in the south.

I often point out to my military friends who have been impatient with our slowness in attacking Hanoi that if that city and that government were eliminated tonight, wiped out completely, we would still have over 100,000 guerrillas in the south with arms in their hands who, up to now, have been accepting and obeying the orders of Hanoi. One does not know how they would behave if they didn't have that guidance. We could be faced with the situation that we had with the Japanese, who lived on and defended for years some of the islands we by-passed because they did not receive the word from home to surrender.

Finally, this kind of escalated military effort would certainly add to the international risk. I personally am not greatly impressed with the danger of World War III growing out of such actions as we are considering, but they certainly would raise the risk. And certainly they also would raise the costs at home.

If we are talking about expanding the ground war in the extreme forms that I have mentioned, we must be ready to provide many more divisions of American troops in South Viet Nam, divisions that do not exist today, which would require time and money, and would create conditions on the home front requiring the imposition of wartime restraints on the economy. The guns would require payment in butter.

So, that, ladies and gentlemen, is my analysis of the pros and cons of the extreme military solution.

I have now discussed the three alternatives which differ from what we are doing today—the pull-out, the pull-back, and the all-out. Having shown that none of these is without serious objections, I think we had better look again at what we are doing because it may not now appear as unsatisfactory as we felt at the outset.

Let's ask ourselves again the question: "Assuming we continue about what we are doing, with about the same tempo of military operations, what are the pros and cons of this alternative?"

On the pro side, I think the outstanding argument is that this course of action is succeeding. It is succeeding in the sense that striking progress has been made in comparison to conditions which existed only two or three years ago. I returned to Viet Nam in early 1967 after being away a year and a half since leaving as Ambassador, and I found things were much better. I quickly add that I hope there was no causal relation between my return and the improvement of conditions, but it certainly is true that things are much better. In one year as Ambassador, I had the broadening experience of dealing with five different governments, five different prime ministers, five different cabinets, five different sets of generals, five different sets of province chiefs throughout the 44 provinces—all this in this time of war, when we were in dire danger of losing important segments of the country to the Viet Cong. After such an experience, believe me, it looks like real stability today when I find a constitutional government in place following general elections—five general elections as a matter of fact—which took place under the most difficult conditions with the Viet Cong trying by threats and reprisals, by all sorts of acts of terrorism, to prevent the elections from taking place.

There has been success on the economic front. Inflation has always been a danger in Viet Nam. It still is. Yet it is under control in spite of all the pressures on the economy resulting from the expansion of the war.

The enemy has not scored any military success that he could label a victory even in his own books during the last year and a half. Furthermore, the security of the population has grown from about 50 percent, when I left, to roughly 67 percent today. So, I would say that there is clear evidence that this course that we are on is showing re-

sults—not fast enough, not entirely satisfactory, not nearly what we would like, but nonetheless, we are moving forward.

Furthermore, this success has taken place with what I would call minimum risks of international expansion of the conflict. I can recall so well in 1965 how many of our melancholy types were saying that if we ever dropped a bomb north of the 17th Parallel, Red China and Russia would be on our necks. That has not happened. It is pretty obvious that it is not going to happen. I think as long as we stay roughly within the ground rules of present operations, the chances of it happening are very small.

At home, we have had no mobilization. We have accomplished the expansion of our forces without calling up a single reservist. While certainly individual families have had deep tragedies resulting from the combat in Viet Nam, I do not think we can look around this hall tonight and feel that either our society or our economy is really feeling the impact of war. We have had our guns and our butter, too.

But on the other side of the coin, how does it look? There are the arguments we mentioned at the outset—and they are very valid ones—against what we are doing. Progress is slow. Ho Chi Minh continues to appear unyielding. He certainly hasn't cried "Uncle" yet. It is hard to explain what we are doing to our people. They don't understand the absence of an identified villain as the enemy. They don't understand the absence of tangible military objectives, like Little Round Top, or Bull Run, or the Siegfried Line. Such objectives of military success simply don't exist in this kind of guerrilla warfare.

The result is that, since we don't understand clearly what is happening, we are not sure how we are doing. We are terribly confused by the kind of reporting we get, both from our publicity media and from our officials, so that on the home front we are losing support for the war. There can be no question about this. And as we lose support, the evidence of internal division becomes evident, and it is unduly emphasized by the reporting of our press. Back in Hanoi this encourages the leadership we are trying to convince of the folly of its course of action and hence that leadership is going to carry on and give up harder.

That, I think, ladies and gentlemen, concludes the analysis of alternatives, of the pros and cons of what we are doing now in contrast to what we might be doing. I wonder how that analysis strikes each one of you. None of these alternatives that I have mentioned is particularly attractive. Certainly, all are subject to objections of varying degrees of acuteness.

The first two—pull out and pull back—abandon the original objective of an independent Viet Nam able to choose its own government, concede defeat and accept the bitter consequences. The third—the all-out alternative—retains the objective but changes the strategy by putting main reliance upon overwhelming military force. The fourth alternative—stick-it-out—retains the objective and continues to adhere to a graduated strategy in spite of the evidence of growing popular impatience and lagging public support.

In light of these considerations, what would you recommend to your government? What alternative do you prefer? Bear in mind, as you make your choice of alternatives, that you have to take the pros and the cons of any alternative. There is no splitting of the package. And wrapping the settlement package with tinsel words like "honorable", "reasonable", or "negotiated" will not conceal the defeat which lies behind any proposition which is in effect a proposal to pull out or to pull back. Whatever change you elect will not be completely for free, and may indeed entail consequences far more serious than the disadvantages of adhering to our present course of action. I leave it now to your judgment. Take your pick.

PROF. JOE B. FRANTZ TESTIFIES IN SUPPORT OF THE PROPOSED NATIONAL SOCIAL SCIENCE FOUNDATION

Mr. YARBOROUGH. Mr. President, yesterday I spoke in the Senate in support of S. 836, a bill for the establishment of a National Foundation for the Social Sciences. It is the critical relationship between man and his society—the realm of the social scientist—that cries out today for the attention of our most imaginative brains and the commitment of our full resources, and I am pleased to cosponsor and support this important measure, which proposes to seek out, encourage, and support the social scientist and his vital research into the human condition.

The Subcommittee on Government Research heard more than 90 witnesses during 16 days of hearings on this bill. One of the most articulate expressions of the need for S. 836 was offered during the July 12, 1967, hearings by a distinguished historian and good friend of mine, Prof. Joe B. Frantz, of the University of Texas.

The Senator from Oklahoma [Mr. HARRIS], the very capable chairman of the Subcommittee on Government Research, told Mr. Frantz at the conclusion of his perceptive statement:

It will be quoted not only by me but, I think, by others in the future as they read and study the record of these hearings.

Mr. President, I had occasion to refer more than once to Dr. Frantz' statement in my address yesterday, and I join Senator HARRIS in the conviction that it is a most thoughtful, articulate, and useful presentation of the need for a National Social Science Foundation.

In order that all Senators may share the insights that Professor Frantz offers, I ask unanimous consent that his testimony, along with his biographical sketch, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. JOE B. FRANTZ, PROFESSOR, DEPARTMENT OF HISTORY, UNIVERSITY OF TEXAS, AUSTIN, TEX.

Dr. FRANTZ. Thank you, gentlemen, for inviting me to appear with you today. I have read most of the previous testimony given on this bill before your subcommittee and I must indeed salute your gracious patience.

Some of my colleagues have a rare talent for expanding a half dozen paragraphs into a few thousand well-chosen words, to my dismay, and I am sure, to yours.

Senator HARRIS. I would say if that is any standard by which to establish whether or not a fellow is a social scientist, we politicians certainly have been covered, by definition.

Dr. FRANTZ. Yes; you have some colleagues that will qualify.

And so, though this is my first appearance before a Senate subcommittee, I would like to assure you that unlike Whitman's hero, I shall not be—"Loth, O loth to depart! Garrulous to the very last."

I can guarantee that what I shall say will be concise; I can only hope that you will also find it cogent.

I will put a parenthesis here for the moment because of those things that have been said here this morning and which you have in the bill. You are already full of statistics and arguments by now, but I will now document these by a personal experience.

I am on the National Historical Publications Commission—this is in line with what Professor Ranney said—and we do have some budget to spend in getting definitive editions of the great papers of our national heritage. There is no argument about what we are doing—it ranks with motherhood.

There are enough absolutely essential projects, such as the Adams' papers and such as the Jefferson papers, that have been authorized. They are generation-long projects.

So we have reached the point in our meetings when we meet regularly through the year that we have only a pittance for new projects. Funds are committed for years in advance, years for which we do not have any budget, for which we have only hopes. But meanwhile we have to take care of ongoing projects, while other worthy projects that cry for assistance cannot be funded. They have to be turned down.

I can get quite vocal; like the Spanish Archives of 350 years ago, in New Mexico. And the same thing is true in the Bexar Archives of Texas—but these projects just have to stand by and wait. This means we fund less ambitious projects. We even have men who are willing to move themselves from the institutions where they are to where the papers are located, and we have schools that would love to have those men and will help with the editing. But there simply is no way to fund the projects.

The needs are always there.

Senator HARRIS. What group is that?

Dr. FRANTZ. This is the National Historical Publications Commission.

Senator HARRIS. What is that?

Dr. FRANTZ. It is a congressionally authorized commission under the aegis of the National Archives which consists of one of your Senators, Claiborne Pell since Senator Saltonstall has retired, and one Congressman, one Supreme Court Justice, one man from the Department of Defense, one from the Department of State, one from the Library of Congress, the Archivist of the United States, two Presidential appointees, and two appointments from the outside professions, by organizations working together.

Senator HARRIS. And you are a member of that Commission?

Dr. FRANTZ. That is right.

Senator HARRIS. One of the Presidential appointees?

Dr. FRANTZ. That is right.

Senator HARRIS. What sort of funds do they operate on?

Dr. FRANTZ. They have had authorized funds of $500,000 a year for several years, but in what I think is false economy they have actually been appropriated $350,000, none of which is used for administration. This is purely grant money.

The National Archives picks up the tab for the administration of the program. You find yourself in this situation: with $350,000, you will likely have $30,000 committed from last year and the year before on these major projects that were overdue and had to be started. You take something like the Adams' papers—it's going to run into several dozen volumes, so that the project will outlive a couple of lifetimes, but it is vital.

Senator HARRIS. That is important testimony to have in our record.

Dr. FRANTZ. I might say we accept money from private foundations, but you cannot budget what a foundation may give you down the line and you do not have any sort of assurance.

I would like to say one other thing, backing what Dr. Bohannan had to say, and that is the fact that everyone does feel that he is an expert in one or more of the social sciences.

I can give a specific example of that regarding my particular discipline, history. Right after World War II one of the smaller State schools in our area, caught with a shortage of professors and a run of GI students, sent a notice around among its faculty saying everybody was going to have to take on a heavier teaching load and asking what else could they teach. Eighty-three percent of the faculty said they would teach history.

This included the piano teacher, the coach, and so on.

I think outside we are all experts—we all know how to rear the neighbors' children and we all know what the coach should have done in a given situation.

I think regarding social scientists, it may be the fact that so much of what he has done is done in English, which is understandable to a part of the public. This gives your body at large the right to intervene and to be an expert in your particular field.

I will go back to my statement now.

The history of the recent past has played into the hands of science and scientists. As man has progressed, his needs have acquired a quality of immediacy that only a scientist can begin to answer.

In a world in which we had been perpetually short of the material necessities, intelligent man had a duty to learn new and better ways of production and of distribution, to withdraw the covering cloth from the laden table of undiscovered knowledge, and to contribute constructively to the material shaping of civilization.

In these endeavors the scientist has succeeded marvelously, revealing insights into knowledge and procedures that cascade into an ever-swiftening current.

I need hardly tell you, and you in particular, that the current frequently threatens to turn torrent, and that like the blessed water, for which we in the Southwest hold prayer meetings and rain dances, the blessing all too often arrives in such profusion as to become a curse and a destruction.

Now the last thing which we wish to do is close the floodgate of scientific knowledge, but we have a crucial problem in bringing our environment forward to the point that it can absorb and understand what the scientist is turning loose all about us.

For this reason—and I am quite evangelical on this—we need Federal assistance in the social assessment of knowledge, to turn the raging flood into a controlled stream which can be handled and utilized to irrigate and cleanse the minds and spirits of harried men in a pellmell world.

The problems are known to you—ugly urbanism that is an inexorable concomitant of material knowledge and material needs; breakthroughs of knowledge that threaten the very existence of the world as we would like to cherish it; tensions between crowded peoples, between crowded ethnic groups, and between social and economic classes apparently intent on elbowing each other out of the way; deterioration of the cities not only as social organisms but as political organisms, and the contradiction of corrosive poverty living in the next neighborhood alongside an affluence that threatens to drown some of us with the sheer volume of things and gadgets.

We can point out crime in the streets, disrespect for property and person, outmoded but still virulent nationalism living alongside dictatorships without mercy or justice.

The list is endless, depressing, and to you in the political world, redundant.

What we need desperately are men trained generally in the art of revealing ourselves to ourselves. We have information; we need wisdom. We need to see the relationships inherent in these continuing cloudbursts of knowledge.

We need to collect evidence, sift evidence, and assay evidence. Unlike the scientists, we can never be precise or confident in the hypotheses we advance as we study relationships.

After all, we cannot work under controlled laboratory conditions, but must always work with the cheap stuff or civilization, which has to be mankind.

We need to run regular reviews of what we have learned; we need the sort of light that is generated by conflicts between clashing viewpoints; and we need the everlasting uncertainty that can only come with receptive, critical, questing minds.

Unlike the scientists, we social scientists cannot guarantee that in the year 1970 or 1980 or 1990 we will make a significant advance that will land us on the moon, that will bring us truly perpetual motion, or that will even guarantee a better mousetrap or a tie that will resist gravy spots. (If I were talking to my students instead of someone like you I would undoubtedly have to identify the world "gravy".)

But if we don't try, we can guarantee you something else. We can face social loss. We can then guarantee vast social loss; we can guarantee that the dam will burst, and that we will all go under.

As political persons, you know what we are talking about, for you are social scientists yourselves, as we have already agreed, only operating from a different vantage point.

Like us, you see problems, you grapple and sometimes triumph, and see that in winning you have created a new set of problems and unleashed a new Pandora's box of patterns.

So you bow your neck and go to work on the latest batch. We do the same. Unlike the mathematician's problem, we do not guarantee solutions. But if we approach the problems with an undergirding of profound understanding, then we leave the problem, we hope, better than we found it. Beyond that, we can only hope. Hope, and keep working.

Without in any sense demeaning the great work of the scientists, intelligent probing by the social scientists is necessary to pick up the baton where the scientists necessarily drop it. This then raises the fundamental question: What can we social scientists do with a National Foundation for the Social Sciences?

We can think, that's what. If this answer seems a little airy and impractical, let us remind ourselves that a good portion of the world proceeds illogically and irritationally.

So we can observe this great portion of the world, finding historic patterns that may shed light, finding contemporary relevance that may illumine our tortuous path forward, and forever studying human beings in their relationships one with another.

When the narrowly specialized person has run the course of his specialization, we can move in to try to relate it to the overview of the world. We can try, and, I truly think, do a better job of it, to see things whole, to place new knowledge in context, and to relate all knowledge to the present and to the future.

I am not sure then that we are airy and impractical; we may well be the most practical practitioners on the scene. For we can go beyond tangible knowledge to the intangibles that pull men's emotions toward worthy goals.

It may be "quite all right," as one social scientist has observed, "to study rust in oil pipes, the tensile strength of fiber, and the stresses and strains of skyscraper construction, but [it is] a little risky to examine the canker of society, the tensile strength of poverty, or the stresses and strains of human maladjustment."

We ask you, however, to take the risk through the creation of a National Foundation for the Social Sciences.

We believe, with Ibsen, that "the spirit of truth and the spirit of freedom—they are the pillars of society."

Further, we believe that through the study of mankind and the social being, we really get a second look at ourselves, which not only give us the grand opportunity to live our lives twice but also the sometime opportunity to do something constructive about that life.

To the cold clear judgments of science, with all its promises of a better material world, we believe that through Government financial assistance we can inject the cement of the compassion and the girders of understanding that will help us to control and to use for ever-widening good the flood of knowledge that, without wisdom, threatens to overwhelm us.

Again, Senator Harris, thank you very much.

Senator HARRIS. Let me say that not only do we appreciate the thoughts expressed in your paper but the wonderfully eloquent way in which they are expressed and I can certainly say that the manner in which you have said what you have, will be most useful to us.

It will be quoted not only by me but, I think, by others in the future as they read and study the record of these hearings.

I don't really have any questions other than those I asked you during your testimony.

It's been very helpful.

BIOGRAPHICAL SKETCH: DR. JOE BERTRAM FRANTZ

Professor of History, The University of Texas, Austin. Texas. B.A., Journalism, University of Texas, 1938; M.A., 1940; Ph. D., 1948; fellow, business history, Harvard, 1948–49.

Editorial Staff Temple (Texas) Daily Telegram, 1939; archivist, acting director, San Jacinto Museum, Houston, 1942–43; Assistant Professor of History, then Associate Professor, University of Texas, 1949–59, Professor of History, Chairman, Department 1959–65; consultant, Borden Company, New York City, 1956–58.

Ford Foundation Fellow, 1953–54; Social Science Research Council Fellow, 1953–54; E. D. Farmer Fellow, 1959. Member of advisory board of National Park Service, 1964–. Served to Lieutenant, United States Naval Reserve, 1943–45. Fellow, Texas Historical Association; Texas Institute of Letters; Member, American Mississippi Valley Historical Associations (Executive Council 1961–63), Southwest Social Science Association (vice president, 1961–), Business History Society, Phi Alpha Theta (national councilor 1956–58, President, 1962–64).

Publications—Bail Borden, Dairyman to a Nation (Texas Institute of Letters Award 1951), 1951; (with J. E. Choate) The American Cowboy: Myth or Reality, 1955, Editor: An Honest Preface and Other Essays, 1959; (with Cordia S. Duke) 6000 Miles of Fence, 1961; (with others) Readings in American History, 1964.

A GREAT WOMAN OF THE WORLD, MRS. CARLOS P. ROMULO, DIES

Mr. TYDINGS. Mr. President, one of the truly great women of the world died on Monday. Mrs. Carlos P. Romulo, wife of the longtime Philippine Ambassador to the United States and former president of the United Nation's General Assembly, was a great champion of democracy and a stanch opponent of tyranny. At the same time she was also a very gracious woman, a devoted wife to her active and distinguished diplomat husband, and a wonderful mother to her four sons.

It was for these qualities that she was awarded the Presidential Medal of Honor by the President of the Philippines in July 1961. During the presentation of the award to her at that time, President Carlos P. Garcia aptly characterized

this great woman as "the self-effacing wife of a great statesman who in her own right has won distinction abroad as embodying the best tradition of Filipino womanhood."

My parents were fortunate enough to have known this great woman while her husband was Resident Commissioner of the Philippines in the United States during the late 1940's, and she was active in the Congressional Women's Club. During the war, Mrs. Romulo went into the mountains with her then small children and worked with our troops throughout the Japanese occupation. She was very dedicated to the Americans and was one of the most loyal of all in her efforts in our behalf during the war.

A very fine article about Mrs. Romulo appeared in Tuesday's Washington Post. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIFE OF EX-AMBASSADOR HERE: MRS. ROMULO DIES IN MANILA

Virginia Llamas Romulo, 62, wife of the long-time Philippine Ambassador to the United States and former president of the United Nation's General Assembly, died of leukemia yesterday in Manila.

A petite island beauty queen, she and her husband, now President of the University of the Philippines, were one of Washington's most popular diplomatic couples during the more than eight years they lived here.

The daughter of a prominent Philippine family, Mrs. Romulo attended convent schools and at 16 won the islands' carnival beauty queen contest. The king chosen to rule beside her was Carlos P. Romulo, a young editor who had recently returned from Columbia University. They were married a short time later.

During World War II, while her husband was serving as aide-de-camp to Gen. Douglas MacArthur, Mrs. Romulo and her four children hid in the hills and jungles of Luzon.

With a price put on her head by the Japanese, Mrs. Romulo and her children kept changing identities, which Mrs. Romulo said was dangerous and confusing for her children, the youngest of whom, Bobby, was only 3. Bobby thought up his own answer when Japanese troops asked him "Who is your father?" Mrs. Romulo said. "He would just say 'Daddy,' " she recalled.

After the war the Romulos were reunited and came to the United States. Brig. Gen. Romulo was then resident commissioner of the Philippines. He became U.N. General Assembly president in 1949, and served at the U.N. until 1954 when he was named Ambassador to the United States.

The Romulos owned a house on Garfield Street nw. for many years, renting it while they lived at the Embassy from 1954 to 1962. Mrs. Romulo created a Philippine room in the house, tiled like a Manila patio and filled with rattan furniture, Philippine carvings and her own paintings.

The Romulos returned to Manila in 1962, when the Ambassador became president of the Philippine University. They returned briefly to Washington in 1964 for a visit.

Besides her husband, Mrs. Romulo is survived by three sons, Gregorio, Ricardo and Roberto. A fourth son, Carlos Jr., was killed several years ago in a plane crash.

THE PRESIDENT'S MESSAGE ON DISARMAMENT DESERVES STRONG CONGRESSIONAL SUPPORT

Mr. TYDINGS. Mr. President, I strongly support President Johnson's request to extend the authorization of the U.S. Arms Control and Disarmament Agency for 3 years.

This request comes at a time when the United States is involved in a bitter conflict in Vietnam; it comes with last summer's possibility of a nuclear power confrontation in the Middle East still fresh in our minds; it comes at a time when the North Atlantic alliance has been shaken by the narrowly averted threat of war between two of its members; and it comes less than a week after the Geneva Disarmament Conference received a complete text of an agreed United States-Soviet draft on the nonproliferation of nuclear weapons.

The submission of this treaty represents a bright light on a darkening horizon. It is the product of years of exacting and difficult negotiations. And it is one of the most important achievements of the Johnson administration. The U.S. Arms Control and Disarmament Agency, and its devoted and enlightened Director, William C. Foster, has led the way for the United States. The negotiations have been complex, but President Johnson has never wavered over this Government's determination to produce results.

Mr. President, as the Senate gave its full support to the efforts to achieve a nonproliferation treaty by the unanimous passage of the Pastore resolution in 1966, so I today urge that we reaffirm the principle of that resolution. We can do this by extending the existence of the U.S. Arms Control and Disarmament Agency.

I commend President Johnson for his leadership in the urgent matter of universal disarmament. I support his efforts to achieve a more secure and stable community of nations that will be free of the dangers of destruction.

PRESIDENT JOHNSON URGES CONGRESS TO STRENGTHEN EMPLOYMENT OPPORTUNITY

Mr. WILLIAMS of New Jersey. Mr. President, I rise in support of President Johnson's civil rights proposals, and particularly a proposal which I am cosponsoring to confer enforcement power on the Equal Employment Opportunity Commission.

Title VII of the Civil Rights Act of 1964 established the Commission, but its powers were limited to investigating complaints and seeking the elimination of employment discrimination by means of conciliation.

While the EEOC has had some success in dealing with this form of discrimination, experience has shown that it has not been as successful as it could and should be, because too often concilation has proven ineffective.

The lack of enforcement power has seriously shackled the efforts of EEOC to end discriminatory practices. As a result, the proposed legislation would provide the Commission with authority to issue, after appropriate hearings, a cease-and-desist order requiring the termination of discriminatory practices and the adoption of corrective measures. Should there be a refusal to comply with the order, the United States could go to the Federal courts to seek judicial enforcement.

The need for eliminating discrimination in employment is urgent, for such discrimination does incalculable harm to its victim and to the entire Nation. It is well known that Negro unemployment remains disproportionately high and that wages being paid to Negro persons are considerably lower than those being paid to white persons. These disparities are due in large measure to arbitrary and illegal discrimination.

This Congress should defend our commitment to equality in employment by enacting without delay the President's proposal to strengthen the powers of EEOC. For without the appropriate enforcement powers to make our laws against discrimination effective, those laws will lose their meaning, and then so will the promise and hope of America.

SENATOR WILLIAM PROXMIRE'S ADVOCACY OF TRUTH-IN-LENDING BILL

Mr. TYDINGS. Mr. President, last July the Senate passed a truth-in-lending bill by a record vote of 92 to 0. The measure was sponsored in the Senate, and ably championed, by the Senator from Wisconsin [Mr. PROXMIRE].

Senator PROXMIRE's untiring efforts have brought us now to the point where, after 7 years of struggle for this measure, a victory is at hand for the American consumer. The House Committee on Banking and Currency has passed an even stronger truth-in-lending bill which is scheduled for early consideration in the second session of the 90th Congress.

Last month Senator PROXMIRE gave a speech before the American Management Association, outlining the legislative history of the Senate bill and discussing some of the principal differences between the House bill and the Senate bill. He has announced that should the House fail to require revolving credit to disclose the annual percentage rate, he will introduce subsequent legislation. I believe it is quite important that the disclosure requirements apply equally to all segments of the credit industry, and I am hopeful the House will amend the House bill so as to include revolving credit under the annual rate disclosure provisions and that the Senate conferees will agree to this position.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times concerning Senator Proxmire's speech, together with the text of the speech.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PERSONAL FINANCE: TRUTH-IN-LENDING BILL MAY SIMPLIFY INTEREST RATES THAT PUZZLE BORROWER

(By Elizabeth M. Fowler)

When is 6 per cent not necessarily 6 per cent? The answer to that question is when it involves installment credit loans with interest quoted at that annual rate. As the debtor pays off the loan month-by-month, he finds that his real rate of interest works out to something much higher.

Last week Senator William Proxmire, Democrat of Wisconsin, updated the current sta-

tus of the "truth-in-lending" bill which has already passed the Senate.

In a talk presented to an American Management Association meeting here on consumer credit, the Senator indicated he hoped that the similar bill to be considered by the House of Representatives in January will contain even stiffer provisions than the Senate version.

"The central aim of the bill is to permit consumers to shop as carefully for credit as they shop for merchandise," Senator Proxmire explained.

Today, because of the glib way lenders quote a 6 per cent loan, it is difficult for borrowers to know whether they are paying a real interest of 10 per cent a year, 20 per cent or even more.

MANY PACKAGES

Credit comes in many colorful packages and at many different costs. For example, a straight demand note at a bank might carry a flat rate of 6 per cent or 6½ per cent these days, but it takes very good credit to find such a loan or good collateral to back it.

A loan on an insurance policy might call for only 5 per cent straight interest a year. Revolving credits made by banks or through department stores might require 1½ per cent a month on the unpaid balance, but in terms of a year that adds up to a rate of 18 per cent, even though the balance may be paid off in a month or so.

An installment loan carrying a 6 per cent rate may work out to 11 per cent and more.

Some persons, desperate for longer-term money, have signed for second mortgages on their homes and found themselves paying a true rate of 30 per cent interest a year.

CONSUMERS CONFUSED

Such confusion in the minds of consumers and some usury on the part of lenders who managed to conceal very high rates under the guise of fees and credit investigations, have brought about the "truth in lending" bill. Senator Proxmire traced its history back to at least 1960 when Senator Paul Douglas of Illinois urged such legislation.

"Public opinion has finally become sufficiently aroused to demand the passage of truth in lending. As in all reform legislation, it takes a number of years to mobilize support," Senator Proxmire explained.

In general, the Senate bill requires that most creditors express a true annual interest rate either as a percentage, such as 12 per cent a year, or in terms of dollars, such as $12 per $100 a year.

Whether consumers get the stronger protection of the bill now being considered by the House will depend much on how well consumer groups rally after Christmas to make their case heard.

The stronger House bill for example would extend the provisions of the bill to first mortgages (exempted in the Senate bill); it would include computing the rate on credit life insurance in figuring the real annual interest. Credit life insurance provides for payment of the loan if the borrower dies.

The House bill also would extend the disclosure provisions to advertising by creditors. Furthermore, the House bill provides that the legislation would become effective nine months following enactment, whereas the Senate bill pushes the date to mid-1969.

With taxes, prices and interest rates on the rise, consumers probably will need to shop around for credit more than ever before. Currently, their short-term debt totals about $96-billion, and interest on it costs them more than $13-billion a year.

Since consumers will apparently have to wait many months for the legislation to become effective, there is a handy little formula to figure out true interest rates:

$$R = \frac{2\ MI}{P\ (N+1)}$$

It looks more complicated than it is. Let's suppose that you want to borrow $1,000 to pay for a secondhand car, and the dealer quotes 6 per cent interest, or a total of $60. This brings the debt to $1,060 payable in equal monthly payments for a year.

To find "R", the true interest-rate, these few substitutions need be made in the formula for this example:

M=Payment periods during a year, namely 12

I=Quoted interest charge, 6%, or $60

P=The original amount borrowed, $1000

N=Number of equal payments made, again 12

$$R = \frac{\$1{,}000\ \ (12+1)}{2\ \ (12\ \text{times}\ 60)}$$

$$R\ \text{thus equals}\ \frac{1440}{13{,}000}$$

or slightly over 11 per cent.

What the new legislation will do is to alert consumers as to what the true interest rate is so that they will not be so confused by many different lenders quoting 6 per cent, when such a rate might be much higher, depending on the payment periods and service fees involved.

THE TRUTH-IN-LENDING ACT

(Speech by Senator WILLIAM PROXMIRE before the American Management Association, December 14, 1967, in New York City)

I am pleased to be here with you today to describe the progress of the Truth in Lending bill as it went through Congress. But before getting into the details concerning the passage of the bill, I would like to outline briefly what I consider the major purposes of Truth in Lending.

First of all let me begin by saying what the Truth in Lending bill is *not*. The bill does not represent a blanket indictment of the credit industry. It does not assume that consumer credit is bad or that the present volume of consumer credit is necessarily too high.

Most economists conclude that consumer credit has played a productive role in our economy and I agree with this judgment. The purpose of the bill is not to retard the growth of consumer credit but to promote its wise use. Credit if used wisely is a good thing. It permits millions of families to own many of the products of our vastly productive economy sooner than they otherwise could. There is no reliable evidence that I know of which proves that consumer credit is about to bankrupt the economy.

The main thrust of the Truth in Lending bill is to promote more effective price competition in the consumer credit industry. As you know, competition is the essence of our free enterprise system. The workings of the competitive market insures that consumers will be able to obtain the kinds of goods they want at the lowest possible price. Even the central planners under Soviet Communist System seem to be finally appreciating the efficiency of the market system.

In order for competition to function effectively, however, it is necessary that both consumers and producers have adequate information. If the relevant facts concerning a transaction are not available, those denied the information are unable to make truly rational choices. This prevents competition from having its full effect and leads to inefficiencies and higher prices.

One consistent line of government policy has been to remove these barriers to information. The Federal government has passed a long series of labeling or disclosure acts dealing with securities, automobiles, agriculture products, furs, cosmetics, drug products, packaging, and now finally consumer credit. The Truth in Lending bill is not a radical or new idea, but is simply another step in the long standing government policy to promote freer competition by full disclosure.

Today consumer credit is big business. The American consumer owes approximately $96 billion in short term debt and he is paying more than $13 billion a year in interest. I am hopeful that the ultimate impact of the Truth in Lending bill would be to promote more active price competition in the consumer credit industry and particularly between different segments of industry.

Consumer credit is a relatively homogeneous commodity. There is no reason why banks, consumer finance companies, retail merchants, department stores, credit unions, savings and loan associations, and sales finance companies should not compete with one another in the extension of consumer credit. The central aim of the bill is to permit consumers to shop as carefully for credit as they shop for merchandise.

INITIAL OPPOSITION TO TRUTH IN LENDING

As most of you know, the original truth in lending bill was introduced in 1960 by former Senator Paul H. Douglas. During the six years which the bill was before the Senate Banking and Currency Committee the principal argument against the bill on the part of some segments of the credit industry was that the disclosure of an annual rate was unworkable. The claim was made that the average sales clerk would be unable to make the necessary computations without adding substantially to the cost of extending credit.

It was also argued that consumers didn't really care about the annual rate or would be confused if they were provided with the information. Some also felt that if true annual rates were revealed, customers would be shocked and might reduce their volume of purchases. This view apparently felt that once consumers realized that they were paying more than the mythical 6%, creditors would suffer a loss of good will.

The most effective rebuttal to these fears and arguments was contained in the Truth in Lending Law passed by the State of Massachusetts in 1966. None of the predictions concerning unworkability, consumer confusion, or consumer resentment materialized. In fact, the Law worked quite well. Most responsible businessmen, when they had a chance to observe this, changed their opinions and supported truth in lending. For example, the Massachusetts automobile dealers endorsed the principal of truth in lending including the disclosure of an annual rate. They felt that this type of legislation protected the honest merchants against unscrupulous competition based upon deceptive credit claims or tricky advertising.

When hearings were resumed on the truth in lending bill in 1967, the credit industry continued to oppose the disclosure of an annual rate, but by this time most members of the Committee seemed convinced that an annual rate disclosure bill was workable and practical. Therefore, although many in the credit industry continued to oppose the annual rate, most of the efforts centered on achieving a more workable bill within the concept of an annual rate disclosure.

TECHNICAL CHANGES IN THE SENATE BILL

As a result of the hearings before the Senate Committee and the subsequent discussions with the credit industry, a number of technical changes were made in the original bill designed to improve its workability.

First of all the language was sharpened up and many ambiguities were deleted. A maximum effort was made to follow the terminology and definitions used in the proposed consumer credit code. This, as you know, has been based upon painstaking and exhaustive legal research.

Secondly, the bill was rewritten in terms of structure in order to separate lender credit from retail credit. The separation was considered to be particularly important to

the retail credit industry which as you know operates under the traditional "time-price doctrine". Many in the retail industry feared that a failure to make the separation could establish a precedent for the ultimate abolition of the time-price doctrine.

Thirdly, a number of provisions were included to insure that disclosure would be made more flexible. For example, a maximum level of tolerance was specifically authorized. This would permit the use of rate charts or other devices which could have a built in tolerance of as much as one percentage point when the cost of credit was in the neighborhood of 12% a year. Greater and lesser tolerances were authorized at higher and lower levels of rates. Also when a creditor charged a single finance charge for all extensions of credit within a specified bracket, he could compute the annual rate at the mid-point of the bracket. This rate could be disclosed for all extensions of credit within the bracketed range. In addition, those who extend credit over the phone or by direct mail order sales could disclose the annual rate and finance charge after the sale, but prior to the due date of the first payment. This option, however, would be available only if the creditor clearly disclosed the annual rate in his catalogue or other literature distributed to the public.

Fourth, the revolving credit sections of the bill were substantially rewritten to require fuller and more complete disclosure. During the hearings, for example, it came to the attention of the Committee that there is a substantial difference in the billing system employed on revolving credit plans. Approximately 60% of retail stores used the opening balance method. Under this method, the customer is charged 1½% of the opening monthly balance unless paid in full within 30 days.

The other method used by 40% of retailers is the adjusted balance method. Under this method, the service charge is based upon the opening balance less any payments made during the month. This method gives credit for payments made during the month and is obviously less costly to the consumer. Both methods, however, use a rate of 1½% a month or 18% a year.

In addition to disclosing the rate, therefore, the bill was amended to require the specific disclosure of the billing system used.

Fifth, many critics of the bill feared that the disclosure of the annual percentage rate could be construed as a violation of state usury law. The truth in lending bill included a comprehensive definition of finance charges which covered all costs incident to the extension of credit. This would include charges specifically labeled as interest, but also such charges as credit investigations, lenders fees, discounts, and the like. Concern was expressed that if all of these charges were converted into an annual rate, such a rate would frequently exceed the usury limit and might therefore jeopardize the legal status of some consumer credit transactions. In response to this criticism, it was made abundantly clear in the legislative history that the rate which is required to be disclosed was not an interest rate within the meaning of the state usury laws. Specific language was also included in the bill to make this intent clear.

Sixth, a provision was added to the bill, which gave the Federal Reserve Board the authority to exempt from the bill any state which passed legislation requiring substantially similar disclosure. Under the original bill, such exemption would have been possible, but without the flexibility afforded by the words "substantially similar". Hopefully all 50 states will follow the recommendations of the proposed consumer credit code and will enact substantially similar disclosure legislation. Should this occur, the Federal truth in lending bill would no longer be operative. In effect it would have worked itself out of a job.

Seventh, considerable concern was also expressed over the section on civil penalties. This provided that any creditor could be liable for double the finance charge if he failed to disclose the information required by the Act. An argument was made that this could lead to excessive legal harassment and would unfairly penalize creditors for making minor or inadvertent clerical errors. The section was, therefore, rewritten to provide an exemption from civil penalties provided the creditor could show the failure to disclose was a result of a bonafide error. The burden of proof, however, would be upon the creditor to prove that the error was bonafide.

MAJOR CHANGES IN SENATE BILL

In addition to the technical changes in the Senate bill which I have just described, the Senate Committee made a number of additional substantive changes.

First of all a problem arose concerning first mortgages. Those in the housing industry were fearful that the disclosure of the total dollar cost of credit on a 25 or 30 year mortgage could deter home buyers. The position of the mortgage lending industry was directly opposite to the rest of the credit industry. Mortgage lenders were willing to disclose the rate but not the dollar. Other creditors were willing to disclose the dollars but not the rate.

Rather than setting up different disclosure rules for different segments of the industry, the Committee finally decided to exempt first mortgages entirely from the bill. It was felt that virtually all mortgage lenders already quote the true annual rate of interest and that this was the standard to which we were attempting to convert the remainder of the credit industry. Second mortgages, however, were not so exempted since the Committee had evidence of a large number of abuses in this area. Second mortgages are frequently used as a substitute for short term credit and with excessive discounts can frequently involve annual rates of 30 to 40% or even higher.

Secondly, the Senate Committee by a close vote decided to exempt premiums for credit life insurance from being counted in computing the annual percentage rate. Some members of the Committee felt that if credit life insurance was required by a creditor as a condition of credit it should be considered as a cost incident to the extension of credit and included in the rate. Others felt that credit life insurance predominantly benefited the consumer and should not be used to artificially increase the level of the annual percentage rate. This latter view prevailed in the Committee and in the final bill passed by the Senate.

Thirdly, the Senate Committee adopted a provision which permitted creditors to disclose the annual rate either as a percentage or as a dollars per hundred per year rate measured on the declining balance of the credit. For example, if the annual rate was 12%, this could be expressed either as 12% per year or $12 per hundred per year. The dollars per hundred rate on the declining balance would be approximately double the dollars per hundred rate now in use which is measured on the original balance. This option was provided primarily to avoid any legal problem connected with state usury laws. It was argued that the quotation of a dollars per hundred rate, even though measured on the declining balance, might not have the same legal problems as the quotation of a percentage rate. This option, however, would expire on January 1, 1972, since it was felt by that time States would have an ample opportunity to correct any legal problems which might arise through the percentage form of disclosure.

Fourth, the Senate bill also delayed the effective date to July 1, 1969. This was to permit each state to work with the Commission on Uniform State Laws in order to enact substantially similar disclosure legislation, thereby removing the state from provisions of the Federal Law. The Committee was encouraged by the work of the Commission on Uniform State Laws. As has been indicated previously, the proposed Consumer Credit Code goes considerably beyond the question of disclosure and proposes a thorough going reform of the entire structure of consumer credit legislation. I certainly hope this project will continue.

Fifth, a strong argument was made to the Committee that the disclosure of the annual rate on small credit transactions would be particularly difficult, especially for the smaller businessman. Most finance charges are a combination of fixed costs and variable costs. The fixed costs relate to the one time bookkeeping and processing expense of setting up the account. The variable costs relate to the use of money over time. On small, short term credit transactions, the fixed charges tend to predominate. The annual rate tends to vary substantially depending upon the exact amount of credit extended. On larger extensions of credit, however, the annual rate tends to be relatively fixed.

For example, most automobile dealers determine the finance charge through a simple add-on rate. If he uses an add-on rate of $10 per hundred per year, the true annual rate will always convert to 17.9% for a three year installment contract.

However, if the creditor charges a flat $5 for all credit transactions under $50, the annual rate can vary enormously depending upon the exact amount of credit and the length of time involved.

On the other hand, a strong argument was made that the consumer had a right to know the true annual rate even on small transactions when the finance charge was less than $10. This would be particularly true when a sizeable finance charge was made for relatively small amounts of credit. For example, if a consumer purchased a $20 item on time and repaid the amount in 3 monthly installments of $9, the annual percentage rate would be approximately 210%. Some people believe the shock value of disclosing the annual rate would induce consumers to pay cash on such transactions when the use of credit was so costly.

On the other hand, some members of the Committee argued the cost of providing such disclosure could add substantially to the bookkeeping expenses of small business concerns, and in the end could cost the consumer more money through higher prices. This view ultimately prevailed in the Committee and the Senate bill exempts creditors from disclosing the annual rate whenever the finance charge is less than $10.

Sixth, perhaps the most controversial section of the bill dealt with the disclosure of the annual percentage rate on revolving credit plans. Before getting into this question, I would like to correct certain misleading conclusions which have appeared in some articles and newspaper stories concerning the revolving credit issue. Some writers have concluded the revolving credit issue had kept the truth in lending bill bottled up in Committee for 6 years and it was only the willingness to exempt revolving credit from disclosing the annual rate which permitted the bill to emerge from the Committee.

This simply is not historically true. In 1964, Senator Douglas was willing to exempt all forms of revolving credit from disclosing the annual percentage rate. This was a much greater exemption than was finally included in the Senate bill, which exempts only conventional or short term revolving credit plans from disclosing the annual rate. In any event, a truth in lending bill with all revolving credit exempted from annual rate disclosure was defeated in the Banking and Currency Committee in 1964 by a vote of 8 to 6. Thus, it was not the revolving credit compromise which suddenly produced agreement on truth in lending. The fact of the matter is that public opinion had finally become suffici-

ently aroused to demand the passage of truth in lending. As in all reform legislation, it takes a number of years to mobilize support.

The only way Senator Douglas could have gotten the bill out of Committee during the first six years would have been to exempt all creditors from disclosing the annual rate. On this issue, he rightfully would not compromise. His perseverance and arguments were finally vindicated when the Committee did approve a bill requiring annual rate disclosure for upwards of 95% of consumer credit transactions. The principal of annual rate disclosure finally triumphed after many years of opposition. The true annual rate measured on the declining balance has always been the heart of the controversy and I believe it is a tremendous achievement for Senator Douglas that his original ideas were ultimately accepted for the overwhelming bulk of consumer credit transactions.

To return to the revolving credit story, the department stores and others who operated revolving credit plans argued that the annual rate on revolving credit could not be disclosed in advance. Essentially their position was that the true annual rate had to be measured from the exact time of each purchase to the exact date of each payment. Since the amount of daily credit actually in use would substantially fluctuate over a given billing period, the effective annual percentage rate would also fluctuate. Although a rate of 1½% was used to compute the service charge, this rate was applied not to the average amount of credit actually in use, but to the balance in the account on a given day.

On the other hand, the proponents of annual rate disclosure for revolving credit argued that it was inconsistent to compute the credit from the time of each purchase. All revolving credit plans provide customers with a free ride, which depending upon the time of purchase, can vary from 30 to 60 days. If this so-called free credit were deducted from the computations and if the rate were measured from the time the service charge actually began, the annual rate would always be 12 times the monthly rate. The proponents of annual rate disclosure pointed out that for years department stores had told their customers they charged 1½% a month. All the truth in lending bill required was to translate this monthly rate into an annual rate of 18% a year. If the annual rate was misleading, then the monthly rate would be equally misleading. It was, therefore, inconsistent for department stores to argue for a monthly rate while at the same time claiming that a simple conversion of the monthly rate to an annual rate was inaccurate or misleading.

The Senate Committee never satisfactorily resolved this problem. It did, however, reach a compromise which tended to meet some of the fears of those who argued for annual rate disclosure. Those who supported annual rate disclosure feared that an exemption for revolving credit would induce existing forms of installment credit to convert to revolving credit in order to escape annual rate disclosure. It would be quite possible for car dealers, appliance dealers, finance companies and other creditors to convert to revolving credit to avoid disclosing their annual rates charged for credit.

In order to meet this objection, the Committee defined two types of revolving credit plans. The ordinary, conventional, short term revolving credit plan would be exempted from annual rate disclosure. However, extended or "installment type" revolving credit plans would be required to disclose the annual rate. An installment type revolving credit plan was defined as meeting any one of the following three characteristics:

(1) less than 60% of the original debt is payable in one year; or

(2) the creditor requires a security interest; or

(3) accelerated payments reduce the required amount of future payments.

The first two conditions would make it difficult to convert large ticket installment credit merely to avoid annual rate disclosure. In order for this to happen the creditor would have to be willing to surrender the security interest or to substantially shorten the time required for payment.

I think it is fair to say the ultimate solution reached by the Senate Committee satisfied no one. The department stores wanted a complete exemption. Consumer groups desired a straight annual rate. Other segments of the credit industry felt that they were being discriminated against. Nonetheless, considering the conflicting arguments and views within the Committee, I believe the compromise was the best possible solution which could have been adopted, while still getting a bill reported.

HOUSE ACTION

The Senate Committee bill was approved by the full Senate on July 11 by a vote of 92 to 0. The House Banking Committee held hearings on truth in lending last August and reported a more extensive measure several weeks ago. I would like to summarize briefly the principal differences between the House and the Senate bill.

First of all, the House bill includes first mortgages in its disclosure provisions. The House Committee was particularly concerned about the problem of second mortgages, where many home owners have been victimized by the home improvement-second mortgage racket. However, it was also shown that some home owners who owned their home outright were prevailed upon to sign first mortgage notes in order to finance home improvement work or to pay off existing bills. Many times these mortgages were signed unknowingly and in some cases resulted in the loss of the house. The House Committee, therefore, thought it particularly important to include first mortgages in the bill.

Second, the House Committee bill requires all mandatory charges to be counted in the computation of the annual rate including premiums for credit life insurance. Language was deleted from the Senate bill which specifically exempted credit life insurance from being computed in the rate.

Third, the House bill does not contain the dollars per hundred option included in the Senate bill as an alternative to percentage rate expression. Under the House Committee bill, all rates would be expressed as percentage rates.

Fourth, the House bill provides for administrative enforcement procedures in addition to judicial remedies. The Federal Reserve Board would issue the regulations as they would under the Senate bill. However, the regulations would be enforced with "cease and desist" type authority by the appropriate Federal agencies. The banking agencies would enforce the regulations for the banks under their jurisdiction, the Home Loan Bank Board would enforce the regulations for savings and loan associations, the CAB and FAA would have enforcement authority over airlines and the ICC over common carriers. All other enforcement activities with respect to retail credit extended by consumer finance companies would be enforced by the Federal Trade Commission.

Fifth, the House bill would be effective 9 months upon enactment, whereas the Senate bill would be effective July 1, 1969.

Sixth, the House bill extends the disclosure provisions to advertising. If a creditor advertises any rate, it must be the annual percentage rate as defined in the bill. If he advertises the amount of a payment or the dollar cost of the credit, he is also required to give full particulars on the terms of the credit including the annual percentage rate. If creditors who provide revolving credit advertise any specific terms of such credit, the advertisement must also include a description of the billing system and must specify the annual percentage rate (This would be determined by multiplying the monthly rate by 12. Such a rate would not, however, be required to be disclosed when the account was opened or on the monthly billing statements. And, of course, if the creditor advertised revolving credit, but did not mention any specific term of the plan, he would not be required to disclose the annual percentage rate in the advertisement). As previously indicated, the provisions would not apply to advertisements dealing with residential real estate except to the extent that the Board may by regulation require.

These provisions would be enforced administratively and would not be covered under the Civil Penalties Section. They would, however, be covered under criminal penalties. The enforcement provisions would extend only to the creditor and not to the newspaper or T. V. station or other media in which the advertisement appeared.

Seventh, the House bill contains a provision which prohibits creditors from garnishing more than 10% of the excess over $30 of a person's weekly salary. Thus, if a person made $100 a week, the creditor could garnish 10% of the excess over $30, or $7. Not more than one garnishment could be made at any one time. Employers would be prohibited from discharging employees because of such garnishments. This provision would be enforced by the Secretary of Labor.

Eighth, The House bill authorized a National Commission on Consumer Finance to study the current structure of the consumer credit industry. The Commission would report On whether credit is being provided at reasonable rates, whether the public is being protected against unfair practices, and whether additional legislation is desirable. The bill authorizes $1,500,000 to carry out the study. The Commission would be required to report to Congress by December 31, 1969. The Commission would consist of 3 Senators, 3 Congressmen and 3 members appointed by the President.

OUTLOOK FOR THE BILL

At the present time, the House Committee bill is expected to be taken up by the House sometime in January. Mrs. Sullivan, the sponsor of the House Committee bill has indicated she plans to attempt to amend the House bill on the floor in two areas. (1) She will attempt to require annual rate disclosure for all forms of revolving credit; and (2) she will attempt to eliminate the exemption from disclosing the annual rate when the finance charges is less than $10.

I am hopeful the House will be able to solve the revolving credit problem by requiring full annual rate disclosure. I can appreciate the arguments of the department stores; however, their conclusions are only true to the extent one accepts their assumptions. I do not believe their assumptions are reasonable that the credit must be computed from the time of each purchase. To a large extent the cost of the free ride on revolving credit is already reflected in the price of the merchandise. It is, therefore, inconsistent for the department stores to double count the same cost as a credit charge. I also feel the partial exemption can give department stores an unfair competitive advantage over other segments of the credit industry. If smaller stores who cannot afford revolving credit plans must disclose the annual rate of interest, I can see no legitimate reason why the same requirements should not be applied to the larger department stores. I am hopeful, therefore, that the House will require annual rate disclosure on revolving credit and that this provision can be accepted in the House-Senate Conference Committee.

If we are not successful in this regard, I would intend to introduce legislation closing this last remaining gap at the earliest opportunity.

NORTH CENTRAL EDUCATIONAL TELEVISION, INC.

Mr. YOUNG of North Dakota. Mr. President, I take this opportunity to recognize the staff and management of North Central Educational Television, Inc., of Fargo, N. Dak., as they observe their fourth anniversary of operations this week.

This community-owned television station, broadcasting as station KFME–TV on channel 13, has provided outstanding service to the southeastern North Dakota-western Minnesota area.

Established for the purpose of bringing educational television into the homes and classrooms of the area, the station has met this responsibility in a most creditable manner. Its broadcasts have made it possible for students in the surrounding area to benefit from the work of some of our most outstanding instructors. This advancement, I am certain, will lead to even greater use of television as a medium of instruction in the area's schools.

The general public has also enjoyed the opportunity to take advantage of a wide range of educational and entertaining programs offered by KFME–TV.

As they observe their fourth anniversary, the staff of North Central Educational Television can be proud of the record they have established. The station has earned a well-deserved respect and cooperation of educators in the area. I know that I speak for many people when I say that I look forward to continued progress and success in educational television on the part of KFME–TV.

TIRE SAFETY

Mr. NELSON. Mr. President, on January 1, Ralph Nader wrote to the Firestone Tire & Rubber Co., asking them a number of questions about the performance of Firestone tires in relation to the new Federal tire safety standards. Mr. Nader's letter was prompted by a recent national advertising campaign in which Firestone claimed that their tires had "met or exceeded the new Federal testing requirements for years."

The thrust of the advertisement seems to be twofold, as Nader says:

First, it explicitly and directly assures the consumer that he can rely fully on Firestone tires as being "the safe tire." Second, the consumer is told that the margin of safety of Firestone tires is such that for years they have exceeded or met the new Federal tire safety standards.

Nader points out that this is an extravagant boast from any company—especially from a company which vehemently opposed the enactment of Federal tire standards—and that such a claim surely must be backed up by solid empirical and statistical information. It is this information which Mr. Nader is requesting.

As the author of a bill (S. 2638) to provide for the recall of defective tires, I am particularly interested in seeing this data, and I second Mr. Nader's request for it.

Last August, Firestone told me, in reply to a series of questions I raised on how they handled the recall of defective tires, that they virtually never produced a defective or unsafe tire in their factories.

It surprised me at the time that any company could make such an extravagant claim. Since August, an increasing volume of contradictory evidence has been accumulated which says in fact that some defective Firestone tires are on the highways.

First, it is generally acknowledged in the industry that Firestone has had considerable difficulty with the design of one of its new wide, low-profile tires. The tire sidewalls crack and peel, and the tires have been wearing so badly that in many instances they have disintegrated completely after only 1,000 or 2,000 miles of wear.

Second, in 1966 the Rubber Manufacturers Association—an industry group—decertified a Firestone tire—the Unico Powerlux in size 8.00 by 14—for failure to pass an industry safety test. The distributor of this Firestone tire told Consumer Reports that—

We recalled the tires from customers whenever possible. To the best of our ability we got them all. All were destroyed.

Third, the most disturbing evidence to date is the hundreds of letters that continue to flow into my office from people all over the United States who have experienced multiple failures of new tires—made by every tire manufacturer—at very low mileage. When these tires are returned to the dealers, they are often judged by the tire industry's own experts to be defective and eligible for replacement under their warranties.

There is an obvious and serious discrepancy between the claims Firestone publicly makes about its tires and the actual performance of the tires. I hope that Firestone will supply some factual information in reply to Mr. Nader's questions which will help clear up this discrepancy.

I ask unanimous consent that Mr. Nader's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 1, 1968.

Mr. RAYMOND C. FIRESTONE,
Chairman of the Board, Firestone Tire & Rubber Co., Akron, Ohio.

DEAR MR. FIRESTONE: Last month, your company launched a very extensive national advertising campaign headlined "Raymond C. Firestone Talks About the Safe Tire." The copy went on to say that "On November 10, 1967, the Federal Department of Transportation issued a new set of tire safety standards. Firestone tires already meet or exceed these new tire testing requirements and they have for some time. . . . All Firestone tires have met or exceeded the new testing requirements for years."

The thrust of this advertisement appears to be twofold. First, it explicitly and directly assures the consumer that he can rely fully on Firestone tires as being "The Safe Tire." Second, the consumer is told that the margin of safety of Firestone tires is such that for years they have exceeded or met the new Federal tire safety standards. The purpose of your company's message is, of course, to attract new customers and retain old customers.

It is quite apparent that such bold warranties of safety should be backed up by data which in turn should be available on request. Surely, you would not place the prestige of your company behind safety claims that are not grounded in empirical and statistical studies. Consequently, I would appreciate receiving detailed replies to the following questions:

1. For how many years have your Original Equipment Tires (OEM) exceeded the braking energy test of Motor Vehicle Safety Standard (MVSS) 109?

2. Did a 1966 Firestone Original Equipment tire fail the Electrical Testing Laboratory braking energy test run by the Bureau of Standards?

3. By what margin—speed at a given load, or load at 50 mph—do current OEM Firestone tires exceed endurance test requirements of MVSS 109? Will they pass the Interim Federal Specification (Dec. 30, 1966) of GSA? For how many years have your OEM tires met or exceeded these two standards?

4. By what margin—in minutes—can current Firestone OEM tires exceed the ½ hour required duration at 85 mph in the high speed test of MVSS 109? For how many years have your OEM tires met or exceeded this test?

5. How fast could one drive, in a 1967 Chevy II station wagon for example, loaded to manufacturer's maximum capacity, on a 90 degree ambient day, if the pressure was left at 24 psi cold, front and rear, without failure of the tire?

These are questions which your company easily has answers to in order to be able to make the claims in the afore-mentioned advertisement. You quote your father as saying: "If a tire is going to carry the Firestone name, it had better be good." I would want to feel confident that the Firestone Co., which informed Senator Nelson on August 28, 1967, that nothing but perfect tires ever leave Firestone plants for market, knows how "good" its tires were and are.

Although stressing safety in advertisements is commendable, if documented, it appears quite unbecoming for your company to boast that its tires have exceeded for many years or met for many years the federal tire standards level—thereby deriving an advertising advantage from such touting—when your company was a major force in pressuring the federal agency to issue severely weakened tire standards. This fact was not communicated to your readers.

Both the Rubber Manufacturers Association statement to the National Highway Safety Bureau, with which Firestone Co. concurred, and in your own company statement of Dec. 30, 1966, one objection after another was made to the proposed tire safety standards so as to jettison or weaken them. These statements were backed by a united industry lobbying compaign so successful that when the final standards were issued a full 11 months later, the tire industry was just delighted. Indeed, the federal tire safety standards were so nominal that even the V–1 standards adopted by a state commission nearly two years previous were more stringent overall. Moreover, Consumers Reports reported that the federal standards were weaker than the RMA standards in two respects. After such a regression by the federal agency, your advertisement's proud boast issues forth in the hollowest of tones. As if this dismaying achievement was not enough, the RMA, which includes your company, is presently attempting to weaken the Interim Federal Specification promulgated by GSA to be used as a guide for its own procurement of tires. Additionally, the RMA wants to abolish GSA tire specifications entirely.

I should welcome a responsive and relevant reply to this inquiry.

Thank you.

Sincerely,

RALPH NADER.

NEW ENGLAND REGIONAL COMMISSION HEALTH MANPOWER DEMONSTRATION PROJECT

Mr. KENNEDY of Massachusetts. Mr. President, last fall the New England Regional Commission conducted a series of hearings in New England to obtain the views of the region's public officials and private citizens on economic and social development problems. A hearing was conducted in each of the six States, followed by a regionwide public hearing in Boston, December 12, 1967.

I presented testimony at both the Massachusetts hearing in Boston on November 8 and the regionwide hearing. This testimony appears in the CONGRESSIONAL RECORD for December 15. I outlined to the Commission a series of recommendations it should consider in preparing a legislative program for submission to the President and to Congress.

One of my principal recommendations dealt with the importance of providing adequate and comprehensive health care for all New England citizens. As the Nation's health programs expand, and as the opportunities of medical science grow and change, every section of the country must provide sufficient numbers of people with the talents and skills necessary to deliver health care. And, the Nation urgently needs more health service personnel in both professional and subprofessional occupations.

In 1966 approximately 2.8 million persons were employed in health occupations, representing 3.7 percent of the Nation's civilian labor force. Since 1900 the percentage more than tripled. By 1975, approximately 3.8 million persons will be employed in providing health services, 4.3 percent of the civilian labor force.

For the most part, these figures represent professional health personnel, who, of course, require considerable training beyond secondary school levels. The Nation will be hard pressed just to meet its professional health personnel needs, and will require major new program approaches.

Fortunately, these needs are recognized, and some effort is being made. However, we also need greater numbers of trained subprofessional health personnel, persons capable of relieving doctors, dentists, and nurses of dozens of tasks which do not require professional judgment or skill. Unfortunately, the Nation is doing little in this highly important field.

This area of subprofessional health personnel—which include entry-level positions in such jobs as nurses' aides for hospitals and nursing homes, physical therapists, home health aides, dental assistants, scrub assistants, and clerical assistants—represents a great opportunity for generating additional employment for our low-income citizens. In fact, many experts believe employment in health occupations is now the Nation's greatest growth industry.

I am happy to report that the New England Regional Commission recently authorized an important demonstration project in this most promising new employment field. On January 8, the Commission met in Boston and approved a health manpower project which has both immediate employment impact and lays a basis for future action by the six New England States.

Designed to increase the supply of trained subprofessional health personnel, the Commission's project is part of a broader program to be carried on under Federal job training programs. These programs, including the President's test program, are designed to create immediate new jobs for the hard-core unemployed in the Nation's ghetto areas.

The Commission's project, to be administered by the Training Center for Comprehensive Care at the Lemuel Shattuck Hospital, in Boston, has two facets. First, the Commission will train 12 teachers—two from each of the six New England States—in the specialized skills needed to train the unemployed for such jobs as nurses' aides for hospitals and nursing homes, physical therapists, home health aides, and clerical assistants. And second, at the same time, the Commission will train approximately 100 of the area's hard-core unemployed to fill immediate openings in subprofessional level jobs in Boston hospitals.

Eight hospitals in the Boston metropolitan area have assured immediate employment for the graduates of the Commission's training program. There are more than 700 vacancies in subprofessional health positions in the Boston area.

This joint project—which combines both training for immediate job openings and teacher training instruction—has great advantages. It permits potential teachers to gain firsthand knowledge in planning and testing new curricula needed to train low-income citizens. It permits the potential teachers to observe the progress of trainees and their reactions to new teaching methods. And, it provides actual training experience.

Upon completion of their training, the 12 trained teachers would return to their States to establish and administer similar State and local programs. Such new programs are needed in virtually every State in the region.

The Commission will contribute $35,000 of its available research funds to finance the teacher training portion of this program. The Department of Labor, providing the bulk of the funding under the President's test program for job development, will contribute approximately $200,000 for the actual training of the 100 unemployed persons.

The Commission's decision to undertake this project is based on its recognition that the constant expansion of health and medical services will produce a significant number of new jobs in New England. If these jobs are to be available to the hard-core unemployed—whose need for subprofessional level jobs is the greatest—it is essential that steps be taken to increase the number of people who possess the specialized skills needed to train them for these jobs.

At the present time, there is no such teacher-training program being carried on in New England, and few in the rest of the Nation. If, as I expect, the six New England States act to implement the program at the State level, the Commission's first demonstration project will have made New England a leader in this important field.

I congratulate the Commission's Federal Cochairman, John J. Linnehan, and the Governors of the New England States on this outstanding project. It is the kind of progressive and pioneering action the Congress expected of the Commission.

Mr. President, an editorial concerning this program was published recently in the Providence Sunday Journal. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Sunday Journal, Jan. 14, 1968]

A NEEDED COUNCIL

The President recently ordered the Secretary of Commerce to set up a supervisory council of departments and agencies involved in grants to the half-dozen new regional development commissions. These are the multistate commissions that have been formed to foster economic development in depressed or underdeveloped areas of the country. One of them is the New England Regional Commission; another, the Appalachian Commission.

While the precise functions of these commissions is still a bit vague, their general aim is to undertake projects that can create employment or improve economic conditions or governmental services in their regions. The Secretary of Commerce originally was given supervision over the commissions by the terms of the authorizing act—in fact, he designates what states shall be included in each region. (The one exception is the Appalachian Commission, which was created by Congress before the legislation for the others was approved.) Now he is to "coordinate" the activities of the commissions; and the supervisory council of assistant secretaries is to review their long-range economic development plans, to "recommend desirable objectives," and to play a role in approval of the commissions' budgets.

Exactly how this supervision is to function is not entirely clear. Made up of governors and a federally-appointed co-chairman, the commissions have been regarded as largely autonomous, although their funds for the first two years come entirely from the federal government, through the Commerce Department. Early attempts by the department to keep a tight rein on the commissions led to a flare-up, after which the department backed off a bit. Now, apparently, with the President's blessing, it is to impose a directing hand.

So far as the supervisory council goes, this may be sound strategy. The commissions were formed with the idea that when they had planned specific large projects for their areas, they would go to operating federal departments for the large grants necessary to finance the projects. An example is the project just announced by the New England Regional Commission to train hard-core unemployed persons for sub-professional jobs in hospitals. Of the estimated $235,000 cost, only $35,000 will come out of the commission's budget. The other $200,000 will come from the Labor Department, under the President's Test Program for Job Development. The supervisory council may serve to attract the interest of the other departments to the needs of the commissions, as well as giving them a closer means of check-

ing on the uses to which their funds are put. It also may help to keep the operations of the commissions somewhere near uniform and prevent wasteful competition among them for the available funds in Washington.

PRESIDENT'S CIVIL RIGHTS MESSAGE DESERVES CONGRESSIONAL SUPPORT

Mr. PROXMIRE. Mr. President, President Johnson's message on civil rights speaks eloquently and powerfully of the need for this Nation to continue the fight to end all forms of discrimination based upon race, color, creed, or national origin.

Our country's promise that all of its citizens will enjoy equal rights, privileges, and opportunities under the law is as yet unfulfilled. Because of his color or race, a man may be denied a job, a house, a place on a jury, or may even be beaten or murdered in the exercise of his constitutional rights to vote, to work, or to attend school. This can no longer be tolerated, and it is the job of this Congress to act to assure equality for all citizens.

We are all too aware of the violence that has engulfed our cities. We know that something must be done, and done now, to root out the causes of that violence. It is not enough simply to add more men to our law enforcement agencies, though more men we need. For additional police manpower does not heal the ugly and tragic wound opened in the hearts and minds of the young Negroes denied jobs in the city where they live, or the young Negro families denied a home in places where they can afford to live. What is needed is for this Nation to support the enactment of the kinds of laws our President has proposed to strengthen the national fight against all forms of discrimination.

In recent years we have made progress in the area of civil rights, but it is increasingly clear that there must be greater progress in the years which are to come. It is too late to argue that the Negro must be patient, that he must wait, that he has to give us time. The promise of America was made almost 200 years ago and should be fulfilled at once. Who among us would be patient if he returned from Vietnam, after risking his life for his country, and was told that he could not have a job or a home because of the color of his skin? The answer is obvious—none of us.

So let it be this Congress, in the year 1968, which goes down in history as the Congress which faced up to the Nation's problem of discrimination and provided powerful solutions, and at a difficult time. For then will it be said of us here that we had the courage and wisdom to help lead our country into the future with freedom and full equality for every one of our citizens.

STATE OF DELAWARE TO RECEIVE WEIGHTS AND MEASURES STANDARDS

Mr. BOGGS. Mr. President, I would like to take note of the fact that on Friday the State of Delaware will receive a new set of weights and measures standards from the National Bureau of Standards.

This is under a program by the Bureau to replace the standards of all 50 States. Six States have already received replacements. The program intends to take care of about 10 States a year.

The presentation will be made by Dr. Allen V. Astin, director of the Commerce Department's National Bureau of Standards, at 2 p.m. in the State board of agriculture building at Camden.

Receiving the set of standards, which costs about $70,000 overall, will be Gov. Charles L. Terry, Jr.

In checking I discovered that Delaware received its first weight standards from the Federal Government in 1841, 5 years after Congress authorized the Federal Government to supply each State with a complete set of weights and measures.

Then in 1847 Delaware received three balances, in 1876 a set of metric weights and measures, and in 1883 another set of weights and measures.

Good weights and measures are the foundation of trade and commerce, and therefore the uniformity of State standards makes an important contribution to the vitality of our free enterprise system.

This cooperation and coordination of the Federal Government and State governments is a fine example of our federal system. The Federal Government, in supplying the up-to-date standards, is doing for the States what individual States would have great difficulty doing for themselves.

The relationship is a voluntary one, since there is no Federal statute requiring States to submit their weights and measures standards to the Federal Government for examination.

Mr. President, I ask unanimous consent that a Bureau of Standards announcement of this presentation to the State of Delaware be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD. as follows:

On Friday, January 26, Delaware will receive a new set of weights and measures standards under a program to replace the standards of all 50 States.

Dr. Allen V. Astin, Director of the U.S. Department of Commerce's National Bureau of Standards, will present the set to Delaware's Governor Charles L. Terry, Jr. in a 2:00 P.M. ceremony at the State Board of Agriculture in Camden.

Many of the standards and instruments used by the States in weights and measures administration were provided by the Federal Government 100 years ago or more. The National Bureau of Standards is supervising replacement of the State standards to update and extend measurement competence throughout the Nation, as required by scientific and technological advances. Standards have previously been presented to Ohio, Illinois, Oregon, Utah, California, and New Mexico. Within the next few months sets will be presented to Connecticut, Kentucky, and Tennessee.

It is expected that new standards and instruments will be provided to about 10 States per year until all State standards facilities have been modernized.

Each new set includes standards of mass (weight), length, and volume and necessary laboratory instruments, including high precision balances, all specially designed to meet State weights and measures requirements. Each set costs the Federal Government about $70,000, including calibration, installation, and training of laboratory personnel. The State contribution to the program, in the form of new or expanded laboratory facilities and better qualified personnel, will be considerably more than the Federal cost.

Measurement uniformity among the States began in 1836 when Congress authorized the Federal Government to supply each State with ". . . a complete set of weights and measures adopted as standards—to the end that a uniform standard of weights and measures may be established throughout the United States."

In the United States, the actual regulation of weighing and measuring equipment in commerce is retained largely by the States. The National Bureau of Standards is the principal technical resource for the States in this area.

INDUSTRIAL REVENUE BONDS

Mr. RIBICOFF. Mr. President, in 1967, more than $1.3 billion of industrial revenue bonds were marketed, a rise of 161 percent over the amount sold in 1966. These figures show the extent of the threat to legitimate municipal financing and the Federal tax revenues.

The Connecticut Development Commission has long recognized this growing State ownership of private business as fiscally unsound and detrimental to both State and local governments. Correspondence between Mr. Horace H. Brown, managing director of the Connecticut Development Commission, and Mr. Gardner Ackley indicates that the administration shares his point of view. I ask unanimous consent that correspondence I have received from Mr. Horace Brown be included in the RECORD at the end of my remarks.

I am very much pleased to report that the support of the administration has been further reflected in a favorable Treasury Department report on my bills, S. 2635 and S. 2636, to the Senate Finance Committee.

Mr. Stanley S. Surrey, Assistant Secretary for Tax Policy, states that the Treasury Department strongly supports enactment of S. 2635 as introduced.

I ask unanimous consent that the Treasury Department reports on S. 2635 and S. 2636 be printed in the RECORD at the conclusion of my remarks.

Furthermore, I wish to take note that the AFL–CIO has been steadfast in urging Federal legislation to end the misuse of tax-free State and local bonds to build plans for private business. I ask unanimous consent that the resolution condemning the practice of industrial bond financing that was adopted unanimously at the AFL–CIO convention on December 12, 1967, be printed in the RECORD at this point.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT DEVELOPMENT COMMISSION,
Hartford, Conn., November 24, 1967.

Hon. ABRAHAM A. RIBICOFF,
Senator from Connecticut,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: I have read with great interest your interest in the question of

tax exempt revenue bonds for economic development. Because of your concern, I thought you would like to see copies of a letter on this subject sent to President Johnson earlier this year by the Development Commission Chairman, Graham Treadway, and the response thereto by Mr. Gardner Ackley.

You will note in Mr. Treadway's letter, reference is made to the State of Pennsylvania. I am enclosing a November 13, 1967 bulletin from the Association of State Planning and Development Agencies indicating that Pennsylvania does now have such legislation.

This is a matter of real concern to the Development Commission since over 40 states have local or state-wide revenue bond financing programs. Your efforts are thus particularly appreciated.

Sincerely,

HORACE H. BROWN,
Managing Director.

FEBRUARY 28, 1967.

Hon. LYNDON B. JOHNSON,
Executive Office of the President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Connecticut Development Commission has been greatly concerned with the increasing use of tax free municipal revenue bonds as an instrument of industrial financing. We understand that 37 states now permit such financing and that the amount of such bonds issued in calendar 1966 amounted to nearly $470,000,000. It is our understanding that several states which do not now permit the issuance of such bonds, including Alaska, Florida, Ohio, Pennsylvania and South Carolina have submitted bills to their legislative bodies seeking to permit such financing.

We know that at least one of these latter states, Pennsylvania, is opposed to this type of financing on fiscal grounds but feels it must enter the area in order to maintain its competitive position in the industrial development field. Governor Shafer of Pennsylvania informed us of his telegram to you on January 5 in which he urged you to take steps to prevent or prohibit this type of financing by the Nation's municipalities.

Connecticut is one of those states which does not now permit the issuance of tax free municipal revenue bonds. The Connecticut Development Commission is as opposed to this method of financing as is the State of Pennsylvania. Yet, like Pennsylvania, we feel that its increasing use may force us to request similar legislation in order to compete with other states and municipalities in the attraction of industry.

The Connecticut Development Commission views this competition as fiscally unsound and detrimental to both state and local governments. We feel further that the privilege of tax exemption was designed for public improvements, such as schools and libraries, and not for private emolument, such as new factories. The Advisory Commission on Intergovernmental Relations concurred in this opinion in its report of June, 1963 when it stated:

"We conclude that the industrial development bond tends to impair tax equities, competitive business relationships and conventional financing institutions out of proportion to its contribution to economic development and employment."

The Advisory Commission at that time viewed this type of financing as relatively minor but capable of developing into self-defeating competition for industry among the states. As of 1967, we feel that the Commission's fears have been justified and the competition has long passed the point of usefulness. Connecticut has no desire to join this competition which is misusing the original purpose of tax exempt bonds unless forced to do so.

In view of the urgency of this matter and since our General Assembly is now in session, we would appreciate your immediate advice and counsel.

Sincerely yours,

GRAHAM R. TREADWAY,
Chairman.

THE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISERS,
Washington, March 10, 1967.

Mr. GRAHAM R. TREADWAY,
Chairman, Development Commission, State of Connecticut, Hartford, Conn.

DEAR MR. TREADWAY: I have read with great interest your thoughtful letter to the President regarding the increasing use of municipal revenue bonds. We recognize that excessive use by the States of revenue bonds threatens to be self-defeating. In our *Annual Report* this year we made some remarks quite consistent with the tenor of your letter. We observed that, "the use of the Federal tax code in this fashion is inefficient and inappropriate." We retain this vew. The problems which you raise are real and are now being studied by the Administration with an eye to legislation which will prevent abuse while recognizing the legitimate concerns of States to attract industry.

Sincerely,

GARDNER ACKLEY.

[From the Association of State Planning and Development Agencies, Nov. 13, 1967]

PENNSYLVANIA SECRETARY OF COMMERCE CLIFFORD JONES IMPLEMENTS NEW INDUSTRIAL DEVELOPMENT REVENUE BOND LAW

Pennsylvania Director Cliff Jones describes the implementation of Pennsylvania's new industrial development revenue bond law as follows:

"The Industrial Development Authority Law became effective on August 23, 1967. It represents an attempt by the Commonwealth to meet the keen competition of other states for new industries through revenue bond financing programs. Over forty states including our surrounding states of Ohio, Delaware, Maryland and West Virginia have local or state-wide revenue bond financing programs.

"The general purpose of the law will be to alleviate unemployment, maintain employment at a high level, create and develop business opportunities by the construction, improvement, rehabilitation and financing of industrial, manufacturing, research and development programs.

"Under the program any county, city, town, borough or township in the Commonwealth may create an industrial development authority. Any authority so created may issue revenue bonds and mortgages. The proceeds are to be used to finance the acquisition or construction of new industrial development projects or enlargement of existing concerns.

"Authorities created under this Law will function in a manner similar to municipal authorities. Basically, industrial development authorities will be organized by a meeting of local government officials who will select at least five members, adopt resolutions, execute and file Articles of Incorporation with the Secretary of the Commonwealth, who will issue a charter to the local body. The main concern relative to those serving as authority members will be that there is no conflict of interest involved.

"The Department of Commerce feels a special obligation and responsibility to insure that all industrial projects are responsive to the public interest and welfare. The Law requires the Secretary of Commerce to approve the proceedings relating to each project and to make certain determinations of policy. Broadly speaking these policies will be assuring that the authorities so organized will create new jobs and payrolls. Preservation of existing employment will be of equal concern. An important issue will be assuring that the industrial project will not cause the removal of a plant, facility or establishment of the industrial occupant from one area of the Commonwealth to another. In addition the over-all economic impact of a project will be considered to determine if the public purposes of the Law are being accomplished.

"In addition the agreements between the Authority and the Industrial occupant must provide for the payment of an amount equal to the ad valorem taxes and, where applicable, special assessments levied for public improvements, and should provide for a procedure to insure the prompt remission of said amounts to the proper taxing bodies. This is an area of the law Secretary of Commerce will watch every closely.

"As of the present time three authorities have been formed—one in Hampden Township, one in Green County and one in Butler County. Two other counties have filed for incorporation, Somerset and Mifflin.

"The Commerce Department is anxious for a court decision relative to the constitutionality of the Law. There are two test cases pending on this issue. Two dealing with the bond issue and one with the mortgage provision of the Law. It is hopeful that decisions will be granted by the end of the year.

"The Attorney General of the Commonwealth will act as an intervener in these cases and will be a part of appeals taken to the State Supreme Court if favorable decisions are handed down in the local courts.

"It is hopeful the decision will be granted by January or February of next year."

TEXT OF SAMPLE ORDINANCE ESTABLISHING PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITIES

Finding and declaring that it is desirable for an industrial development authority to function within the territorial limit of ---------- and authorizing the obtaining of a certificate of incorporation for the ---------- Industrial Development Authority.

Whereas, a minimum level of unemployment and a maximum level of business opportunity can best be provided by the promotion, attraction, stimulation, rehabilitation and revitalization of industry, manufacturing and research and development in the City; and

Whereas, the present and prospective health, safety, morals and general welfare of the people of the City-County require as a public purpose the promotion and development of new expanded and rehabilitated industrial, manufacturing and research and development enterprises; and

Whereas, the creation and operation of the ---------- Industrial Development Corporation has proved highly successful in attracting industry and the resultant employment and business opportunities to critical areas of unemployment within the City; and

Whereas, to continue and further the successful program of the ---------- Industrial Development Corporation, it is necessary to provide additional means of financing the promotion and development of new, expanded and rehabilitated industrial manufacturing and research and development financing of machinery and equipment; and

Whereas, many existing industrial, manufacturing and research and development enterprises throughout the City-County could become more competitive and could expand more rapidly if such additional means of financing were available for modern plant facilities and modern machinery and equipment; and

Whereas, additional industrial, manufacturing and research and development facilities could be attracted to the City-County if such additional means of financing were available to construct, rehabilitate and expand industrial plants and in conjunction

therewith equip the same with modern machinery and equipment; and

Whereas, the Industrial Development Authority law approved August 23, 1967, provides for the organization of local industrial development authorities which shall exist and operate for the public purpose of alleviating unemployment at a high level, and creating and developing business opportunities by the construction, improvement, rehabilitation, revitalization and financing of industrial, manufacturing, and research and development enterprises.

The (Council-Commissioners) of _____ _____ hereby ordains:

Section 1. That the _____ of the _____ do find and declare that it is desirable for an industrial development authority to function within the territorial limits of _____ _____.

Section 2. The Clerk of City Council is hereby directed to file a certified copy of this ordinance with the Secretary of the Commonwealth of Pennsylvania.

Approved the _____ day of _____, 1967.

ARTICLES OF INCORPORATION OF INDUSTRIAL DEVELOPMENT AUTHORITY

In accordance with the requirements of the "Industrial Development Authority Law" approved the _____ day of A.D. 196____, P.L. _____, the undersigned, all of whom are residents of the Commonwealth of Pennsylvania, and citizens of the United States, and all of whom are of full age, having associated themselves together for the purposes hereinafter specified, and desiring that they may be incorporated, and that a Certificate of Incorporation may be issued to them and their associates and successors according to law, do hereby certify:

I

That the name of the Authority shall be the _____ "Industrial Development Authority". The registered Office of the Authority shall be _____, Pennsylvania, 196____.

II

That the _____ of the Commonwealth of Pennsylvania is the incorporating municipality. The following are the names and addresses of the members of its governmental body: _____.

That this Authority shall exist for a term of fifty years, in accordance with the Industrial Development Authority Law, approved August 23, 1967. These articles of incorporation have been executed by the governmental body of the _____, by its proper officers and under its municipal seal.

In witness whereof we hereunto have set our hands and seal this _____ day of _____, 196____."

PAUL MENK,
Executive Vice President.

TREASURY DEPARTMENT,
Washington, D.C., January 23, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to inform you of the views of the Treasury Department on S. 2635 entitled "A bill to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax." In addition, the present report is intended to encompass S. 1282 and S. 1283, each of which is concerned with the subject of industrial development bonds.

S. 2635 would amend section 103 of the Internal Revenue Code of 1954 to exclude from the general tax exemption accorded interest paid on State and local bonds the interest paid on industrial development bonds issued after December 31, 1967. The bill defines an industrial development bond as any obligation the payment of principal and interest on which is either—(1) secured by an interest in property of a character subject to an allowance for depreciation or, (2) secured by (or to be derived primarily from) payments to be made with respect to money or property of a character subject to an allowance for depreciation—which is or will be used, under a lease, sale or loan arrangement, for industrial or commercial purposes. Thus, the bill would exclude from the interest exemption extended by section 103 any State or local obligation secured in a manner which demonstrates that the obligation is issued on behalf of a private industrial or commercial enterprise. By limiting the property involved to cash loans and leases or sales of depreciable property the bill excepts transactions, such as industrial parks, which involve unimproved land exclusively. In addition, specific exceptions exclude from the definition of an industrial development bond obligations issued to finance transportation facilities, recreation facilities and certain other utility properties leased or sold for industrial or commercial purposes. The bill also makes it clear that obligations issued to finance any property used in an active business owned and operated by a State or local government is not an industrial development bond. A detailed technical explanation of S. 2635 was reproduced in the Congressional Record, volume 113, part 23, pages 31611–31612.

The Treasury Department strongly supports S. 2635 as well as the objective of S. 1282 and S. 1283. Each of these bills seeks to curb the future use of industrial development bonds. However, because certain technical problems presented by S. 1282 and S. 1283 do not exist in the case of S. 2635 the Treasury Department urges the adoption of the approach taken by S. 2635.

Thus, S. 1283 defines industrial or commercial facilities in terms which primarily relate to manufacturing enterprises and enterprises selling manufactured products and it is unclear whether that definition would encompass facilities used by service-type industries such as banks and insurance companies. Also, the bill might permit the avoidance of its provisions through the medium of secured or unsecured cash loans to private enterprises. S. 1282 seeks to curb the use of industrial development bonds by denying any deduction on account of rent or interest paid by a private corporation on a facility financed with industrial development bonds. In general this approach to the problem would impose a penalty that bears no relation to the interest saving (attributable to the tax exemption) which is passed on to the private corporation as a result of the transaction. Moreover, the application of this approach poses difficult problems in determining the amount of interest to be disallowed in any case in which a sale contract does not call for interest payments (or calls for extremely low interest payments). In addition, S. 1282 presents the same definitional questions discussed above.

In considering S. 2635 we have taken note of the fact that even though the bill is prospective in that it only applies to interest payments received in taxable years following enactment, some have questioned the provision in the bill that makes it applicable, after enactment, to all bonds issued after a specified date. In this connection experience has indicated that the very consideration of legislation to end this abuse prompts a significant growth in new bond issues as corporations rush to take advantage of the present situation before Congress can act. Since most of these bond issues will be outstanding for 15 or 20 years after they are issued, the growth of new issues that will be caused by Congressional consideration of this matter will create serious financial consequences for all state and local governments and will also significantly affect Federal income tax revenues. For this reason we believe the announcement of a fixed cut-off date is a desirable prelude to Congressional consideration to forestall a rush of new issues while the matter is under consideration. The selection of a fixed cut-off date in S. 2635 adequately meets this situation.

Finally, it should be noted that the question has been raised whether rulings of the Internal Revenue Service which hold that the interest on industrial development bonds are exempt from Federal income tax are correct interpretations of section 103 of existing law. It is pointed out that the exemption provided by section 103 is limited to interest on "obligations" of a state or local government and a careful analysis of the type of industrial development bonds that are currently being issued tends to suggest that the only true obligor on the bond is the private corporation that is benefited by the bond issue. In most cases the state or local government does not even guarantee the bond and generally assumes no obligation for payment of either interest or principal in the event that the corporate beneficiary defaults on its payments to the governmental unit involved. (See, e.g., statement of Senator Ribicoff, Congressional Record, vol. 113, pt. 23, pages 31611–31612.) Although this question is under study by the Treasury Department, clearly a legislative solution to this problem would avoid any future misunderstanding and render the question moot.

The Treasury Department urges the consideration and enactment of S. 2635. A memorandum discussing, in relevant detail, the nature of industrial development bonds and elaborating upon the reasons we believe such bonds should be excluded from the general tax exemption accorded interest on State and local bonds is attached.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

THE TAX EXEMPTION OF INTEREST ON INDUSTRIAL DEVELOPMENT BONDS

An industrial development bond is a debt obligation issued under the name of a State or local government for the benefit of a private industrial corporation. The typical case involves a municipality which issues bonds to finance the building of a factory for a private corporation which in turn pays "rent" for the factory set at the precise amount needed to pay the interest and amortize the principal of the bonds.[1] Characteristically the bonds are revenue bonds payable only out of the rent and the municipality assumes no obligation, direct or indirect, for their payment. Thus, such bonds really represent bonds of a private corporation, but because the municipality places its name on the bonds, it claims and passes on to the private corporation the full benefit of the lower interest rate attributable to the Federal tax exemption of interest on state and municipal bonds.

In most instances the industrial development bonds are secured only by the earnings of the private corporation and bond buyers generally look only to the credit rating of the lessee corporation in assessing the merits of the bonds as an investment. In frank recognition of the economic reality of the transaction state courts generally agree that industrial development revenue bonds are

[1] In some situations the transaction takes the form of a deferred payment sale of the property to the industrial user. The payments made on the note and mortgage securing the sale proceeds are used to make the payments on the bonds.

not debts of the issuing government unit for purposes of applying the debt ceiling or similar state law restrictions on municipal financing. In some less prevalent situations general obligation bonds secured by the lease revenues are used, so that the municipality assumes a subordinate role as a guarantor of the corporate obligation. However, the lease revenues are regarded as the principal security behind the bonds and the use of general obligation bonds does not materially alter the abuses that flow from the transaction.

In all cases the exemption of interest on industrial development bonds from Federal income tax is simply a Federal subsidy to private corporations. The lower interest rates—which are passed on to the private corporations in the form of lower rental charges—are only possible because of the tax exempt status of the interest in the hands of the bondholders. Therefore, the full benefit derived by private industry is achieved only at the expense of a loss of Federal tax revenues. Moreover, it is a forced Federal subsidy. The amount of the subsidy, the beneficiary of the subsidy, or the use to which the borrowed funds are put are not considered in any way by the Federal Government. The sole decision as to whether or not to benefit a private corporation rests with the various State and local governments and, since industrial revenue financing imposes no direct costs on the issuing governmental units, there is no agency that has any effective interest in assessing the merits of extending Federal tax benefits to any particular private corporate beneficiary.

In addition, industrial development financing represents a most inefficient and uneconomic means of subsidizing private industry. The cost to the Federal Government in lost tax revenues substantially exceeds the financial benefits that corporations realize through their ability to borrow funds at lower interest rates. As the attached table illustrates it would not be unusual for a transaction involving a highly rated corporation to annually cost the Federal Government almost three times as much in lost tax revenues as the benefit the corporation gets from the transaction. Moreover, the cost to the Federal Government will constantly increase as the volume of tax exempt bonds grows larger and interest rates for all tax exempt obligations rise in order to elicit more demand, particularly from relatively lower bracket taxpayers.

From the standpoint of the State and local governments, the industrial development financing technique was originally developed as a means of attracting industry to low income and labor surplus communities. Before 1961 these bonds were primarily used to finance small manufacturing firms locating in rural areas. Recently, however, multimillion dollar revenue bond issues have financed a number of industrial projects for some of our major industrial concerns. Moreover, as the attached table indicates, the growth of this financing device has tended to parallel the shift in the use of such bonds. Thus, in 1960 when only 13 States authorized industrial development bonds, the total of new issues sold to the public in that year amounted to only $70 million. By the end of 1966 the number of States authorizing such bonds had increased to 35 and publicly issued new bonds in that year involved over $500 million. Indicative of the trend towards use of such bonds by our largest corporations is the fact that the eight largest issues in 1966 accounted for $344 million, over 60 percent of the estimated $500 million in new public issues for that year. Finally, it should be noted that this geometric growth rate is continuing. Over 40 states authorize industrial development bonds today and although final data is not available for 1967 preliminary tabulations indicate that well over $1 billion industrial development bonds were publicly marketed last year.

Figures are generally available only for bonds marketed to the public. In many cases the issues are privately placed with banks, other lenders or the company itself. No reliable data are available as to the amount of privately placed issues but they may involve more than twice the amount of publicly sold issues.

Although this practice is defended as a means of attracting new industry, many have questioned whether the availability of industrial development financing was ever a significant incentive to locate in a particular area. They point out that a commitment to move a substantial enterprise into a totally new locality for a long period of time is such a serious decision that the benefit of low cost financing is a rather minor factor when compared to such economic considerations as the corporation's access to raw materials or to its existing and potential markets. However, to whatever extent the use of industrial development bonds has been a significant factor leading to the dispersion of industry in the past, it seems clear that in present circumstances, with an ever increasing number of states authorizing such bonds, the utility of industrial development financing as an incentive to attract industry is rapidly disappearing. Since the issuance of industrial development revenue bonds involves neither risk nor direct cost to the issuing locality, there is little reason for any locality to deny a corporate request. Thus, even assuming that such funds are an important factor influencing the selection of a relocation or expansion site, a private corporation embarking on an expansion program today has over 40 states to choose from. This total is actually larger because even in states which do not authorize such issues, political subdivisions may be engaged in this practice. Once all fifty states are forced by competitive considerations to authorize industrial development financing the ability to attract industry through the use of such bonds will be totally nonexistent. Thus, the continued proliferation of such bonds will merely increase the Federal revenue loss without any appreciable economic benefit to the Nation or the State and local governments.

Moreover, not only is the basic objective of industrial development financing to attract industry essentially self-defeating, but the rapid growth in the dollar volume of such bonds works to the positive detriment of all State and local governments. The benefits State and local governments receive because of the Federal tax exemption of the interest on their bonds is dependent on the fact that tax-exempt bonds are a unique exception and that most bonds—both corporate and Federal—are fully subject to Federal income tax. As more industrial development bonds are issued the interest rate on all tax-exempt bonds must increase in order to make the total supply of exempt bonds attractive to lower bracket taxpayers.[2]

Moreover, in recent years some of the largest industrial corporations in the Nation have used industrial development bonds and many of our smaller State and local governments find themselves severely handicapped when they are forced to compete for funds in the same limited market against these corporations. (See, e.g., statement of Senator Ribicoff, Congressional Record, vol. 113, part 23, pages 31611–31612. See also the attached table of large (over $10 million) industrial development bond issues in 1967.)

It has been estimated that in recent years the increase in normal State and local government bonds outstanding has been growing at the rate of $6.5 billion annually. In 1967 over $1 billion of industrial development bonds were added to the demand for new funds with the obvious result that the interest rates that State and local governments had to pay on bonds issued to finnace governmental functions were higher than they need be. For example, the Finance Administrator of New York City in testimony before the Joint Economic Committee on December 5, 1967, estimated that the existence of industrial development bonds increased New York City's borrowing rate by ⅜ of one percent and increased the city's debt service cost by almost $2 million last year. This type of market effect was not confined to one city, it affected all State and local governments that borrowed funds last year. This, of course, means increased property taxes, sales taxes and state income taxes. Thus, it is clear that industrial development bonds, while imposing no direct costs on the issuing governmental unit, are not cost free to State and local governments. In fact they are very expensive and their cost is mounting dramatically each year—a cost which must be borne by all State and local governments not just those that issue the bonds.

In sum it seems evident that the use of industrial development bonds is ceasing to have any meaning as a device to attract industry to a given State or locality. Instead, these bonds are rapidly becoming a self-defeating device that will inevitably work against the long range best interests of all States. However, even when all States authorize industrial financing and it thereby becomes a completely meaningless attraction for industry—completely meaningless because any corporation knows that wherever it decides to locate it can ask for and receive the benefit of tax exempt borrowing—it is unlikely that we will see a decline in industrial development issues. The reason is simply that since such financing imposes no direct cost on a municipality, no single municipality can afford to withhold its approval of any issue even though the participation of all municipalities works to the very real detriment of municipalities generally. The question will not be one of at-

[2] If there were only a few tax-exempt bonds in existence they would be purchased by the few high rate taxpayers who would benefit most by the tax exemption. There are an appreciable number of individual taxpayers facing a marginal rate of 70 percent. Thus, if we had only a few tax-exempt bonds, the competition between buyers would drive interest rates on these bonds down sharply, probably to a level close to 70 percent below rates on comparable quality taxable issues. But in fact there are over $100 billion of tax-exempt bonds in the market, and the issuers have therefore had to turn to buyers with much lower marginal tax rates than 70 percent. The marginal buyer in a lower tax bracket thus determines the market differential between comparable quality taxable and tax-exempt bonds. Tax-exempt bonds carry, therefore, a much lower discount compared to taxable bonds than would occur if there were only a few exempt bonds. Recent estimates of this discount or differential indicate that it is approximately 30 percent. Thus, the addition of a significant volume of industrial development bonds in this limited market necessarily decreases the discount which all tax exempts carry and thus increases borrowing costs for traditional State and local functions. As indicated later in the text, the effect on the discount becomes even clearer when the flow of industrial development bonds is compared to the amount of traditional state and local bonds annually issued.

tracting industry but rather one of losing an industry for failure to issue the bond—an industrial corporation will simply say it will not even consider a particular locality unless the local government assures the use of industrial development bond financing. Therefore, it seems clear that if this abuse is to be curtailed the impetus will have to come from the Federal Government. Moreover, in view of the recent growth of such financing and the significant cost of the Federal subsidy involved, it would seem appropriate to correct the situation as soon as possible.

FEDERAL REVENUE LOSS AND CORPORATE REVENUE ADVANTAGE RESULTING FROM A TYPICAL INDUSTRIAL DEVELOPMENT BOND TRANSACTION

A corporation that is able to borrow for its own purposes at a 6 percent rate of interest may be able to borrow the same amount at only 4½ percent interest through the use of industrial development bonds. If we assume a purchaser of the bond is in a 50 percent tax bracket the corporation's benefit from the lower interest rate will amount to only $0.78 on each $100 of borrowed capital. The Federal government, however, will lose $2.28 in tax revenue for each $100 borrowed capital.

This result is demonstrated by the following comparison which in each case assumes that the corporation earns the same amount ($10) on each $100 of borrowed capital.

	Taxable bonds		Industrial development bonds	
	Corporate profit	Federal tax revenue	Corporate profit	Federal tax revenue
Gross earnings	$10.00	.....	$10.00	.....
Less interest	6.00	[1] $3.00	4.50	[1] 0
Net before taxes	4.00	.....	5.50	.....
Less corporate income tax	1.92	1.92	2.64	$2.64
Total	2.08	4.92	2.86	2.64

[1] Income tax on bond buyer.

Note.—Corporate gain from tax exempt borrowing: $2.86 less $2.08=$0.78. Federal revenue loss from tax exempt borrowing: $4.92 less $2.64=$2.28.

TRENDS IN INDUSTRIAL DEVELOPMENT BOND FINANCING

Generally, each industrial development bond issued by a governmental unit serves to finance a single project for a specific corporation. It is therefore possible to discern a trend in the size of firms acquiring facilities financed by these tax-exempt bonds by examining the changes in the average value of industrial development bond issues.

Prior to 1960, the estimated total value of industrial development bond debt outstanding was just above $100 million. In the seven years 1960–66, the dollar value of new industrial development bonds increased by an estimated $1.2 billion.[1] This absolute growth in the volume of industrial development bonds issued since 1960 is partly explained by the increase in the number of states permitting local units to borrow for this purpose. However, the increase in the number of states authorizing industrial development bonds has coincided with a marked rise in the size of projects financed.

Table I shows the estimated value of publicly issued industrial development bonds for the years 1956–66, the number of issues and the average amounts borrowed to finance projects in each year. The number of projects in each year is approximately equivalent to the number of issues shown in Column 2. Between 1956–60, 217 projects were financed and the average issue size ranged between $267,541–$742,797. Since 1961, the average amounts borrowed to finance industrial projects has ranged between $1.0–$3.0 million.

The growth in average value of projects financed since 1961, is due to the sharp increase in the number of large-scale projects financed, that is, projects in excess of $1 million. In Table 2, the number of issues exceeding $1 million since 1956 is shown. Prior to 1961, the largest industrial development bond issue was $9.5 million; however, between 1961–66. 19 single issues in excess of $20.0 million were floated. In 1966 alone the 8 largest issues accounted for $334 million, more than 60 percent of the estimated $500 million in new public issues for that year. Finally, the preliminary 1967 data involving large issues reveals that new public issues last year can be expected to substantially exceed $1 billion.

TABLE I.—ESTIMATED VALUE OF PUBLICLY ISSUED INDUSTRIAL DEVELOPMENT BONDS[1] BY LOCAL UNITS, NUMBER OF ISSUES REPORTED, AND AVERAGE ISSUE SIZE, 1956–66

Year	Total amount of bonds issued (thousands)	Number of issues	Average size of issue
1956	$6,421	24	267.541
1957	7,328	22	346,000
1958	12,746	47	271,000
1959	22,096	50	458,920
1960	56,383	74	742,797
1961	57,201	42	1,361,900
1962	77,877	64	1,216,800
1963	135,225	67	2,018,300
1964	201,571	82	2,458,200
1965	191,717	78	2,457.900
1966	504,460	133	3,792,932

[1] See, e.g., Bridges, "State and Local Inducements for Industry," 18 National Tax Journal, 7, 8 (1965).

TABLE II.—NUMBER OF INDUSTRIAL DEVELOPMENT BONDS ISSUED IN EXCESS OF $1,000,000, 1956–66

Year	Number
1956	1
1957	1
1958	2
1959	1
1960	9
1961	5
1962	14
1963	16
1964	25
1965	28
1966	46

TABLE III.—INDUSTRIAL DEVELOPMENT BONDS ISSUED IN 1967 (LARGE ISSUES ONLY)[1]

Date	Amount (millions)	Corporation	Municipality
1967			
January	$15.0	Arkansas-Louisiana Gas Co	Helena, Ark.
February	82.5	Armco Steel Corp	Middletown, Ohio.
March	14.0	Cooper Tire & Rubber Co	Texarkana, Ark.
April	12.0	Firestone Tire & Rubber Co	Cecil County, Md.
Do	12.5	Beech-Nut Life Savers, Inc	Holland, Mich.
May	13.5	Bibb Manufacturing Co	Monroe County, Ga.
Do	60.0	Sinclair Petro-Chemicals (a subsidiary of Sinclair Oil Co.)	Fort Madison, Iowa.
June	10.0	Crawe Co	Washington, Iowa.
Do	30.0	Firestone Tire & Rubber Co	Warren County, Ky.
Do	33.0	Allied Stores	Livonia, Mich.
Do	12.5	Control Data Corp	Douglas County, Nebr.
July	80.0	West Virginia Pulp & Paper Co	Wickliffe, Ky.
August	15.0	Swift Manufacturing Co	Phenix City, Ala.
September	75.0	Georgia-Pacific	Crosset, Ark.
October	12.5	Carrier Corp	Warren County, Tenn.
Do	20.0	Wycon Chemical Corp	Cheyenne, Wyo.
November	85.0	U.S. Plywood-Champion Paper	Courtland, Ala.
Do	53.0	Firestone Tire & Rubber Co	Albany, Ga.
Do	10.5	Pittsburgh Activated Carbon Co	Ashland, Ky.
Do	25.0	Hercules, Inc	Iberville Parish, La.
Do	130.0	Litton Industries (Ingalls Shipbuilding)	Mississippi.
Do	13.5	Olin Mathieson Chemical Corp	Bradley County, Tenn.
December	18.0	Automatic Electric Co	Huntsville, Ala.
Do	97.0	Revere Copper & Brass	Scottsboro, Ala.
Do	35.0	Hystran Fibers Inc. (Hercules and Farberwenke Hoschst A.G.)	Spartanburg, S.C.
Do	46.0	Goodyear Tire & Rubber	Union City, Tenn.
Total	1,010.5		

[1] Final data concerning publicly issued industrial development bonds in 1967 are not presently available. On Nov. 8, 1967, Senator Ribicoff introduced in the Congressional Record information concerning certain large issues either pending or completed in 1967. (See Congressional Record, vol. 113, pt. 23, pps. 31611–31612.) The instant table is primarily drawn from the information introduced by Senator Ribicoff but has been revised and limited to reflect those large issues actually sold in 1967.

TREASURY DEPARTMENT,
Washington, D.C., January 23, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to inform you of the views of the Treasury Department on S. 2636 entitled "A bill to amend the Internal Revenue Code of 1954 to provide that arbitrage bonds are not to be considered obligations of States and local governments the interest on which is exempt from Federal income tax."

S. 2636 would amend section 103 of the Internal Revenue Code of 1954 to exclude from the general tax exemption accorded interest paid on State and local bonds the interest paid on arbitrage bonds. The bill defines an arbitrage bond as any obligation (1) under the terms of the issue of which the State or local government may invest the proceeds of the issue in taxable obligations yielding a higher rate of interest than the issue in question, and (2) the portion of the proceeds so invested is required to be held as security for the payment of the issue in question or any other bond issue the interest payments on which are exempt from Federal income tax.

Specific exceptions exclude from the definition certain common situations which entail only a limited or temporary investment of the proceeds of an issue in taxable securities yielding a higher rate of interest. For example, the general exception for bonds which limit the reinvestment to a period of two years or less would allow the temporary investment of the proceeds of a new issue intended to replace an outstanding issue that is approaching maturity. Similarly, if the purpose of a new issue is to raise funds

[1] The material discussed in this memorandum is drawn primarily from data involving publicly offered industrial development bonds. In addition, there is a large volume of privately placed industrial development bonds which are not reflected in the above estimates. Commentators have estimated that the actual amount of industrial development bonds outstanding may be two to three times larger than estimates based on public offerings would indicate. See, *e.g.*, Bridges, *State & Local Inducements for Industry*, 18 National Tax Journal, 7, 8 (1965).

for the construction of a facility, the temporary investment of the proceeds for up to five years (for example, during the period before they are needed to meet construction costs) will not cause the bonds to be classified as arbitrage bonds. In addition, bond issues would be excluded from the definition even if a portion of the proceeds are required to be invested in taxable securities as a debt service reserve so long as this amount does not exceed the amount needed to meet interest and principal payments during successive two-year periods after the date of issue. Finally, if abnormal situations prompt the issuance of bonds requiring a reinvestment of the proceeds for periods exceeding the specified limitations, the bill would authorize the Secretary of the Treasury to provide for the issuance of special Federal obligations at yields which would prevent an arbitrage profit from arising if the municipality was unable to purchase Federal obligations yielding the same or lower interest rates than the issue in question on the open market. A detailed technical explanation of S. 2636 was included in the Congressional Record, volume 113, part 23, page 31615.

The Treasury Department strongly supports S. 2636.

The tax exemption afforded interest paid on State and local bonds permits the State and local governments to market obligations bearing a lower rate of interest than would be the case if, like the bonds of the United States, the interest on State and local obligations were subject to Federal income tax. As a consequence it is possible for a State or local government to realize a profit by reinvesting the proceeds of an exempt issue in taxable securities such as Federal bonds. This profit is, of course, at the expense of the Federal government since it is exclusively attributable to the tax exemption of the State and local bond interest.

The operational aspects of such a transaction are relatively simple. A State or local government could issue bonds and agree to invest the proceeds in Federal bonds which would be held in escrow for the payment of interest and principal on the State and local bonds. The investor in such obligations would have a certificate representing an interest in Federal Bonds, but because the interest payments made by the Federal government would pass through the hands of the State or local government, it may be argued that the interest is exempt. A local government engaging in such transaction would seek to make a profit from the interest differential existing between the taxable Federal securities and the non-taxable securities which it purports to issue. It could then use this profit for any purpose it deemed desirable.

A similar but more complicated form of arbitrage transaction arises in the context of so-called advance refunding transactions. In this situation a State or local government with bonds outstanding that are not presently callable could issue a new series of bonds to "refund" the old bonds by using the proceeds of the new issue to purchase Federal government securities which are then placed in escrow for payment of either the outstanding bonds or the new issue until such time as the outstanding bonds are callable. In such cases the State or local government could seek and use the profit from the differential between the interest on its new issue and the return on the Federal securities to reduce its debt service costs.

From the standpoint of the Federal government arbitrage transactions undertaken to earn a profit on the interest differential between taxable and non-taxable securities represent a clear distortion of the basic purpose of the interest exemption. That exemption is accorded State and local governments to permit them to finance their governmental functions at a reduced interest cost. The Treasury Department is unable to perceive of any conceivable justification for extending the tax exemption to bonds that are issued primarily to realize a profit from the interest differential between taxable securities and exempt securities. Even viewed as a subsidy to State and local governments such cases represent an intolerable waste of Federal funds. The Federal government loses many times more in tax revenues than the profit the municipality is able to realize from such transactions.

It should also be noted that if the characterization of arbitrage bonds as exempt obligations of the issuing State and local government were accepted, the resulting proliferation of such bonds would have disastrous consequences on the ability of State and local governments to finance their normal government functions. This would occur because the capacity of the tax-exempt market to absorb a large volume of new issues secured by Federal obligations without a sizeable increase in the interest rate demanded of bonds that are not so secured is limited. In this connection, every advance refunding transaction engaged in by a governmental unit tends to double the number of outstanding bonds of that unit during the period in which the old bonds are not callable. Moreover, since from the investor's standpoint arbitrage bonds are as secure as Federal bonds, any municipality in the country, no matter how small, could issue "pure" arbitrage bonds (*i.e.*, unconnected with an advance refunding) without limit. In theory the only limit on the amount of arbitrage bonds that could be added to the normal volume of tax-exempt bonds would be determined by the amount of Federal obligations that are outstanding. It is, therefore, evident that the existence of arbitrage bonds on any sizeable scale would drastically increase the cost of State and local government borrowings to finance traditional governmental functions.

In 1966, the Treasury Department and Internal Revenue Service, after a preliminary study of this matter, announced in Technical Information Release 840 that no rulings would be issued as to the exempt status of interest on certain arbitrage bonds. Although this Department is convinced that existing law is adequate to deal with these arbitrage transactions, it appears appropriate to amend section 103 of the law to codify this result so that misunderstandings may be avoided.

For these reasons it is recommended that S. 2636 be enacted.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

THE MENACE OF INDUSTRIAL BOND FINANCING—RESOLUTION 219

(This resolution covers the substance of Resolution No. 95. Adopted by unanimous vote at AFL–CIO convention, Bal Harbour, Fla., December 12, 1967.)

Since its formation the AFL–CIO has been urging federal legislation to end the misuse of tax free state and locals bonds to build plants for private business. This malpractice, under which public funds are used for private profit purposes in order to lure industry, is known as industrial bond financing.

In recent years, this industry-luring scheme—which saddles all taxpayers with the cost of an unjustifiable private subsidy—has been rapidly gaining momentum. First conceived in Mississippi in the 1930s and confined until recently to the South, it is now sanctioned by over 40 states. This vicious and spreading practice of industry-luring subsidy competition among the states threatens workers' job security, everywhere and the welfare of almost every one.

Plant enticement via industrial bond financing is possible by deliberately perverting the privilege granted all states and localities to issue bonds on which interest payments are free of federal tax. This federal subsidy was intended, however, to help these governments provide schools and other public services—not to build plants for private use.

The private-profit advantages that result from this abuse of the public bonding privilege are substantial:

Because local government agencies can sell tax-free bonds at a low interest rate, factory-financing costs are considerably lower than when an employer has to raise the money himself.

Moreover, often the employer buys such bonds himself and then pockets the tax-free interest.

What is more, when the employer moves into the plant—often built to his own specifications—he pays only a minimal rent which also is deductible as a business cost, tax-free.

Finally, because the plant is "publicly" owned, even payment of a local property tax generally is evaded.

As late as 1960, only 13 states had authorized this misuse of tax-free bonds for private profit and less than $60 million worth were sold. In 1966, however, over $500 million worth of industrial bonds were issued. In 1967, the total will exceed $1 billion. What is more, even some of our largest corporate giants are getting into the act—to their tremendous financial advantage.

Ironically, it is the federal taxes paid by all Americans—even those levied on workers who are the victims of this plant-luring scheme—that subsidize this misuse of tax free public bonds.

In addition, industrial bond financing is causing a mounting federal revenue loss; it undercuts competitors who finance their own plant construction; and it increases the state and local cost of genuine public service financing. Moreover, this misuse of the tax-free bonding privilege undermines the effort of the federal government itself to help distressed areas by legitimate means.

Because of the growing awareness of these evils, important allies have recently joined the AFL–CIO in demanding the end of this malpractice. The President's Council of Economic Advisers, the Secretary of the Treasury, the Advisory Commission on Intergovernmental Relations, enlightened business groups, and an increasing number of Democrats and Republicans in the Congress are expressing deep concern about industrial bond financing. Even the officials of several of the states that recently have authorized the use of this device to counteract plant luring efforts by other states, have called upon the Congress to finally end this evil practice, nationwide. Therefore, be it

Resolved: The AFL–CIO once again calls upon the Administration to propose and the Congress to enact, legislation that will finally close the federal tax loophole that for too long has given legal sanction to industrial bond financing. The time to end this menace is now.

THE BERMUDA PAPER: CONSTRUCTIVE SUGGESTIONS FOR ALTERNATIVES IN VIETNAM

Mr. PELL. Mr. President, I invite the attention of the Senate to an excellent statement of suggestions for alternatives to our present course in Vietnam. The statement, which has gained increasing recognition in recent weeks, is referred

to as the "Bermuda paper," taking its name from a meeting held in Bermuda last month under the auspices of the Carnegie Endowment for International Peace. Presiding over the conference was its distinguished and able head, Joseph E. Johnson and among those who drew up the report were Ambassador Charles W. Yost, Gen. Matthew Ridgway, former Assistant Secretary of State Roger Hilsman, and former White House aide Richard Neustadt. Others who participated in the conference were Harding Bancroft, executive vice president of the New York Times and formerly on the United Nations Mission; Lincoln Bloomfield, professor at MIT Center for International Studies; Charles Bolte, vice president, Carnegie Endowment; John Cowles, president, Minneapolis Star and Tribune; Daniel Ellsberg, Rand Corp.; Frances Fitzgerald, author; Ernest Gross, formerly with State Department and Deputy Representative to the United Nations; Milton Katz, professor, Harvard Law School; George Kistiakowsky, formerly Scientific Adviser to President Kennedy; Franklin Lindsay, president, Itek Corp.; Prof. Marshall Shulman, Columbia University Russian Institute; Donald B. Straus, president, American Arbitration Association; Kenneth Thompson, Rockefeller Foundation; James Tomson, professor, Harvard University, formerly White House aide; Stephen Wright, United Negro College Fund, and Adam Yarmolinsky, former Assistant Secretary of Defense, professor at Harvard.

The main thrust of this concise statement is that a continued widening of the conflict in Vietnam holds risks which are unacceptable to the United States and that our strategy therefore should be modified so that we can continue to defend South Vietnam without increasing these risks. Specifically, the report suggests that there be a shift in emphasis from the present military objective of destroying Communist forces to one of protecting the citizens of South Vietnam; that bombing of the north should be terminated without reference to the initiation of peace talks; that the Government of South Vietnam should assume increased responsibility in both military and political matters and that there should be a recognition that the risks of long-term political relations with the National Liberation Front are less than those involved with indefinite prolongation of present military activities.

Mr. President, these recommendations seem to me to be eminently sensible and very much in accord with my own recommendations which I made in a speech in the Senate last May 23. I hope that they will be weighed carefully by all Members of this body and by responsible officers of the executive branch.

I ask unanimous consent to have printed in the RECORD the text of the Bermuda memorandum, as it was published in the January 17 edition of the New York Times, and a column of comment by Joseph Kraft, published in the Washington Post.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 17, 1968]

TEXT OF STUDY GROUP'S MEMORANDUM TO JOHNSON ON VIETNAM WAR

(NOTE.—Text of a memorandum on Vietnam sent to President Johnson by prominent Americans who participated in a meeting sponsored in Bermuda last month by the Carnegie Endowment for International Peace. The endowment said in a foreword that "it should not be assumed that every participant agrees with all of it" and added that the memorandum did not represent an official endowment position.)

This statement is not addressed to the past; it concerns the present and the future.

There now appears to be serious danger that the momentum of the Vietnam conflict may carry hostilities to disproportionate and even perilous levels. Under the circumstances there is a need to explore policy alternatives for the future. To do so is not to criticize earlier decisions or to suggest abandoning our resistance. But if we were to pursue present objectives by widening the war as by ground probes into Laos and Cambodia, our commitments would escalate along with our risks, and the next step could be an invasion of North Vietnam. Such developments would entail unacceptable risks and threaten world peace.

It seems most unlikely that widening the war, and particularly invading North Vietnam, would lead to military victory or shorten the war. Rather, this would heighten the possibility of direct Chinese and Soviet intervention, further alienate friendly and neutral nations, and jeopardize other worldwide American interests. It would also deepen divisions inside the United States and curtail programs essential to our domestic tranquillity; it could revive isolationism.

The United States should modify its strategy so that it can defend South Vietnam without surrender and without increasing the risks of a wider war. United States policy should not be dependent on Hanoi's decisions.

First, in the war in the South every effort should be made to reduce violence to levels at which a sustained effort can be maintained with the support of both the American and Vietnamese people. The emphasis should not be on the military destruction of Communist forces in the South but on the protection of the people of South Vietnam and the stabilization of the situation at a politically tolerable level. Tactically, this would involve a shift in emphasis from "search-and-destroy" to "clear-and-hold" operations.

Second, we should stop the bombing of North Vietnam. From now on, the costs of strategic bombing will increasingly exceed the benefits. This step would tend to shift international pressures from Washington to Hanoi. It should not be made contingent upon an immediate military quid pro quo nor taken in the expectation that it would lead to early negotiations. If North Vietnam chose to exploit the cessation flagrantly by expanding its forces in the South, bombing of infiltration routes could be resumed, with the prospect of increased domestic political support.

Third, the South Vietnamese Government at all levels should be steadily pressed to assume greater and gretater responsibility, both political and military, for the defense and pacification of the country. To achieve this purpose, the United States should seek every opportunity to make aid to the South Vietnamese conditional upon fulfillment of their commitments.

Fourth, a major problem arises concerning the role of the National Liberation Front as an organized factor in the political life of South Vietnam. In seeking an end to open hostilities, we should recognize that the risks of attempting to cope with the National Liberation Front primarily by political means on a long-term basis, although real, are less than the risks for the United States of persisting in an indefinitely prolonged attempt to destroy the National Liberation Front or to exclude it by American military force.

In sum, the United States policy should aim at moderating the level of hostilities regardless of whether formal negotiations for an ultimate settlement are now possible. In the large, United States posture should be one that can be sustained for an indefinite period with reduced risks and increased political benefits until such time as the conflict can be resolved in an honorable and peaceful fashion.

BERMUDA PAPER ON VIETNAM OFFERS A COHERENT ALTERNATIVE

(By Joseph Kraft)

Quietly circulating around the highest levels of Government these days is a vital document on Vietnam known as the Bermuda paper. It is a vital document primarily because it sets up against current policy a coherent and comprehensive alternative.

The Bermuda paper was put together at a meeting held in Bermuda last month under the auspices of the Carnegie Endowment for International Peace. Among those who drew up the report were Gen. Matthew Ridgway, Army Chief of Staff in the Eisenhower Administration; Ambassador Charles Yost, former Deputy to Arthur Goldberg and Adlai Stevenson in the American mission to the United Nations; Roger Hilsman, former Assistant Secretary of State for the Far East; and former White House aide Richard Neustadt.

The chairman of the group was the head of the Carnegie Endowment, Joseph E. Johnson—an old associate of Secretary of State Dean Rusk. Favoring the recommendations in all but one particular was former Deputy Secretary of Defense to Robert McNamara, Roswell Gilpatric.

The implicit starting point of the Bermuda paper is the set of alternatives set up by the Administration on Vietnam. The choice, as the President and Secretary Rusk constantly define it, is between quitting or following their line, pulling out or persisting.

The Bermuda group defines exactly the danger of creeping escalation, and condemns it. As to the danger, the report says:

"If we were to pursue present objectives by widening the war, as by ground probes into Laos and Cambodia, our commitments would escalate along with our risks, and the next step could be an invasion of North Vietnam. It seems most unlikely that widening the war, and particularly invading North Vietnam, would lead to military victory or shorten the war.

"Rather," the report continues, "this would heighten the possibility of direct Chinese and Soviet intervention, further alienate friendly and neutral nations . . . deepen divisions inside the United States and curtail programs essential to our domestic tranquillity."

Having rejected the policy of allowing the war to expand step by step, the Bermuda group sets up a program for containing the conflict. As a basis for the program, it asserts the unilateral American interest, not the probably vain hope of winning early negotiations from the other side. The report says:

"The United States should modify its strategy so that it can defend South Vietnam without surrender and without increasing the risks of a wider war. United States policy should not be dependent on Hanoi's decisions."

As to the program, the first point is a recommendation that the United States shape its military effort on the ground in South Vietnam in a way that works to reduce the level of violence. That means a shift away from General Westmoreland's

strategy of going after all concentrations of enemy troops—even in well-defended positions at the fringes of the country along the border with Laos and Cambodia and the buffer zone with North Vietnam.

Secondly, the report calls for stopping the bombing of the North—not in order to obtain a military quid pro quo, nor in the expectation that it would lead to negotiation, but mainly to shift international pressure for concessions from "Washington to Hanoi." In the event the other side uses the suspension of bombing for massive resupply efforts, the report asserts that "bombing of infiltration routes could be resumed, with the prospect of increased political support."

Finally, there are two political points. The Bermuda paper calls for stepped-up pressure on the Saigon government "to assume greater and greater responsibility . . . for the defense and pacification of the country." Of the Vietcong insurgents, or National Liberation Front, it says:

"The risks of attempting to cope with the National Liberation Front primarily by political means on a long-term basis, although real, are less than the risks for the United States of persisting in an indefinitely prolonged attempt to destroy the National Liberation Front."

By no mere chance, the circulation of the Bermuda paper around the Government has stirred little concern. Very few of the civilian authorities are in substantial disagreement with its recommendations.

To be sure, the President and his immediate entourage are probably too committed to the Westmoreland strategy to turn around now. But that only defines the opportunity which would be open to a new Administration.

UKRAINIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, this week we celebrate the 50th anniversary of the independence of Ukraine. Since many of my colleagues will comment on the historical implications and significance of this celebration, I will not repeat the well-known history of how the Communists swallowed up this militantly independent nation. But I do feel that at this time in our history when we are fighting a war against the same enemy in North Vietnam and when the same enemy has just captured one of our ships off North Korea and when the same enemy continues to pour forth its subversion from Cuba, those who believe that communism is not a serious threat should take a long, hard look at the Ukraine. From 1921 to the present this non-Russian nation of 45 million people has been completely subjugated by the imperialist Soviet Union. When we succeed in proving to the world that aggression does not pay in Southeast Asia, I hope we will take a new look at the unfortunate situation in the Ukraine, making every effort toward nonviolent liberation.

ARMS CONTROL AND AMERICA'S EFFORTS FOR PEACE

Mr. PELL. Mr. President, with a sense of admiration, I would like to speak in favor of President Johnson's amendment to the Arms Control and Disarmament Act which he has today submitted to this Congress. Incidentally, I am proud to have been an original supporter of this legislation.

I speak with admiration because of the significant contributions to peace and international harmony which the President and this Agency have made.

We are today being asked to authorize a 3-year extension to enable the Arms Control Agency to continue its services to the Nation.

Just last week this Agency once again demonstrated the high degree of skill with which it is performing the difficult tasks before it. On January 18, at the 18-Nation Disarmament Conference in Geneva, the U.S. delegate and the delegate of the Soviet Union agreed to complete texts of a draft treaty to prevent the further spread of nuclear weapons. Should this long-awaited agreement be adopted by all nations, the investment which the people of the United States have made in this Agency will have been well justified. Preventing further proliferation of nuclear weapons will significantly reduce a major threat to the security of all mankind—the threat of mass extermination through nuclear holocaust. The fewer the nations which possess weapons of mass destruction, the better the chance that mankind can avoid a third world war.

By assuring a continuing dialog among the nations of the world on means to limit the spiraling arms race; by providing the wherewithal to develop new ideas to reduce international tensions; in sum by underwriting the very existence of this Agency, this Congress can significantly advance the cause of peace.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 105, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence of intimidation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, we are confronted today with a so-called civil rights bill that is totally unnecessary and unwarranted, and that is of extremely doubtful constitutionality.

The major failing of this bill is that it attempts to create an entire new class of Federal crimes, and to bring special classes of our citizens—to the exclusion of other citizens—under its protection. I submit that the Congress has no authority to enact special legislation for special people. This bill blatantly departs from the fundamental constitutional requirement that laws enacted by this Congress, both criminal and civil, must apply equally to all Americans, to all races, to all regions, to all States, and to all sections of our country.

This bill would in one fell swoop strike down nearly 100 years of sound, constitutional law that prohibits the Congress from legislating in the area of private conduct, in the absence of State involvement.

Furthermore, the bill now before us by creating a brand new long list of Federal crimes would bring us very dangerously near to having a national police force to reach into the private lives and private conduct of private citizens. The President in his state of the Union address, asked Congress for an additional 100 Federal attorneys and another 100 FBI agents to strengthen law enforcement in America. If this bill were to be enacted, he would need 10 times that many more Federal agents.

Mr. President, I submit that this bill is an insult to the intelligence and the integrity of the good people of my State and my region. It is likewise an affront to all American citizens who believe in justice and fairness.

Much is said about "equal protection under the law." Where is there equal protection under the law in legislation that applies to special people and carefully selected States in only one section of this country? It has become the practice in recent years to bring up so-called civil rights bills from time to time, and especially to try to ram them through in election years. Every year we hear the hue and cry of civil rights. The muttering of these erstwhile sacred words puts into motion a chain reaction.

Tons of newsprint are employed and millions of words are spoken to call attention to the social and economic ills of our country and to allege that all we really need to solve these problems is some kind of new law.

We have heard all this before. As much as anyone else, we want to find solutions for the needs of our people. We want to protect their constitutional rights, and they are protected. We want to alleviate poverty, to provide more jobs and better housing, and to provide programs for education and training.

In short, no American who is concerned about the continued prosperity and social well-being of this country does not want to provide opportunity.

But solutions to our problems do not lie in punitive legislation, and especially not in vindictive bills such as this that are aimed at one section of the country. To the contrary, solutions can best be found in the demonstration of more responsibility and more good will from the highest echelon of our Government down to the man in the street. It has always been sad to me that anyone who opposes civil rights legislation—for

whatever reason—is automatically cast in the role of a bigot, a reactionary, or a person to be despised by all people of good will. It becomes an emotional matter and reason generally goes out the window. Very little consideration is given to the possibility that such legislation may not be needed, or that it may have the long-range effect of weakening the rights and liberties of the American people rather than strengthening them.

To even suggest these possibilities in the face of whipped-up emotion is deemed sacrilege.

And it inevitably comes to pass that the final action in the chain of events is to force this legislation down the throat of the Congress against the best interests of the American people.

Is there anyone in this Chamber who can deny that civil rights is no longer a bona fide issue? Is there anyone who can say that civil rights has not become solely a political issue?

This bill, as with all others that have been laid before the Congress in recent years, must be considered in its proper context. I say that legislation such as this, must be viewed in a lineup alongside racial lawlessness and mob violence in more than 130 cities in the past 2 or 3 years. I further contend that this bill cannot be considered separate and apart from the concept of "black power" that is being shouted from American street corners daily by rabblerousers. Legislation of this kind is the offspring of rioting, killing, burning, and looting. It has arisen from the death and disorder of bloody rioting in American cities from coast to coast.

We were warned in 1966 that there would be rioting that summer. And there was rioting.

The Nation was again put on notice in 1967 that there would be more rioting in the summer. And new riots did erupt, with unprecedented wildness and destructiveness.

Now, we are again told that this summer will bring even more rioting.

I submit that the Senate has been asked to legislate with a gun in its back. Mobs in the streets have virtually shot their way into the legislative Chambers of the United States.

I say that the Senate is under no compulsion to acquiesce to the demands of a mob. The Senate—as well as the entire might and power of the U.S. Government—would do better to concern itself with the protection of American people and the restoration of law and order.

This bill, H.R. 2516, seeks to prohibit and provide punishment for acts of intimidation, murder. and physical violence.

Mr. President, we are all opposed to the use of force and violence, whether it be against Negroes in the South, or against white people in the North, or against each other. We are especially concerned with protecting people in the exercise of their constitutional rights, regardless of who they are or where they live. We are unalterably against the night-riding vigilante-type violence, just as we are strongly opposed to mob violence and looting in our cities which have left many dead and millions of dollars in destruction.

An overwhelming majority of all citizens in all States of the Union oppose the use of force and violence. That is why there are abundant laws on the books in every State dealing with murder and assault. These laws are for the protection of all people. They are applied equally to all people, not just some people in some particular set of circumstances.

A man who commits murder because he does not like a person's race should be subject to the same laws and punishment that a man is who commits murder because he wants a victim's money.

A man who commits assault and battery on a person because he does not like the victim's color or religion should be subject to the same laws that apply to a person who commits assault and battery because he does not like the way another man wears his hair.

We cannot, in our country, have one set of criminal laws that apply to a particular set of people, and have another set of criminal laws that apply to other people.

We cannot legislate against particular individuals or groups. By the same token, we cannot spread a protective cover of law over particular individuals or groups, as this bill proposes to do. It is incomprehensible to me that we should even take up the time of the Senate to consider legislation which serves only a few.

In order to convict a man of murder, under State law equally applied, it is not necessary to delve into the innermost recesses of his mind to determine why he committed the act.

In order to convict a man of assault and battery, it is not necessary to establish a special kind of motive.

In order to convict a man of these offenses under H.R. 2516, however, it must be proven that he committed the wrongful acts because of race, color, religion, or national origin. If that element fails, the Federal court would not have jurisdiction.

As I understand section (a) of H.R. 2516, it would be necessary to prove four essential elements in order to establish a crime.

First. The prosecuting witness or the victim of the crime must have been participating in or seeking to participate in one of a long line of designated so-called benefits or activities.

Second. The defendant must have used force or the threat of force.

Third. The defendant must have used that force or threat of force because of the race, color, or religion or the national origin of the victim.

Fourth. He must have used force or threat of force against the prosecuting witness or victim of the crime because he was participating or seeking to participate or had participated in one of these many benefits or activities.

To obtain a conviction under this act that jury would have to make a highly—and probably impossible—subjective judgment as to what the defendant had in the deep recesses of his mind.

Mr. President, the bill does not lend itself to the efficient, orderly process of law. It would make a shambles of the equal protection of the law guarantee of the 14th amendment.

Mr. President, seldom in the history of the Senate has consideration been given to a bill that is so blatantly unconstitutional.

Seldom has the time of this great deliberative body been wasted with consideration of a measure that flies directly in the face of a body of constitutional law that has developed and been solidified for nearly 100 years.

H.R. 2516 would make it a crime for any person "whether or not acting under color of law" to injure, intimidate or interfere with any person "because of his race, color, religion, or national origin" and because he is or has been engaging or seeking to engage lawfully in certain specific activities. Among the activities enumerated are applying for or enjoying employment by any private employer or by any State or subdivision thereof, the using of the facilities of any common carrier, and the use of any public accommodation. The bill also protects the right to attend public schools, the right to vote, and the right of serving as a juror in any court of the United States or any State.

The shocking aspect of this bill is not that the enumerated rights and activities are protected—many of them are already protected by Federal law—but that they are protected against individuals acting privately and not under color of law.

The advocates of this iniquitous bill state that the constitutional basis for it is the power of Congress under section 5 of the 14th amendment to implement the "equal protection" clause of that amendment. The relevant portion of the amendment provides that—

> No State shall deny to any person within its jurisdiction the equal protection of the laws.

Section 5 grants power in Congress to enforce "by appropriate legislation the provisions of this article."

Since the only right guaranteed by the 14th amendment is the right of equal protection of the laws of the States, the only right that Congress can legislate protection for is the right to be free from State denial of equal protection of the laws.

In keeping with the clear and unambiguous language of the 14th amendment, the Supreme Court has consistently refused to enforce Federal criminal statutes enacted by the Congress which purported to proscribe the conduct of private citizens in their relations with each other.

The Supreme Court has maintained this position since 1876, when in *United States* v. *Cruikshank* (92 U.S. 542, 553–554, 557 (1876)) it was presented with the opportunity to review the merits of a conviction in a Louisiana Federal court resulting from a prosecution which alleged, in part, conduct violative of section 6 of the Enforcement Act of 1870 (16 Stat. 140; now contained in 18 U.S.C. 241) by reason of the fact that the defendants, who were private citizens, conspired to deprive other private citizens of "their respective lives and liberty

without due process of law" and to prevent them "from enjoying the equal protection of the laws of Louisiana and of the United States."

In concluding that these allegations, as set forth in the indictment, did "not show that it was the intent of the defendants, by their conspiracy, to hinder or prevent the enjoyment of any right granted or secured by the Constitution," as proscribed by the Enforcement Act, the Court advanced the following supporting reasons:

(The indictment merely alleges) . . . a conspiracy to falsely imprison or murder citizens of the United States, being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man. . . . The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all citizens within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by their Creator." Sovereignty for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself.

The fourteenth amendment (also) prohibits a State from denying to any person within its jurisdiction the equal protection of the laws, but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the national government is limited to the enforcement of this guarantee.

In another landmark case, *United States* v. *Harris* (106 U.S. 629, 632, 639–640 (1882)), the Court invalidated section 5519 of the Revised Statutes which had been enacted by the Congress pursuant to section 5, the implementation clause, of amendment 14.

Section 5519, which had been invoked to support a prosecution of certain private citizens charged with depriving other private citizens in the custody of Tennessee law enforcement officers of the equal protection of the laws of that State, contained the following stipulations:

If two or more persons in any State . . . conspire . . . for the purpose of preventing or hindering the constituted authorities of any State . . . from giving or securing to all persons within such State . . . the equal protection of the laws, each of said persons shall be punished by a fine . . . or by imprisonment . . .

Inasmuch as section 5519 was "directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers," the Court was convinced that it was "not warranted by any clause in the 14th amendment."

Replying upon considerations similar to those advanced in the preceding case, the Supreme Court later voided sections 1 and 2 of the Civil Rights Act of May 1, 1875 (18 Stat. 335), by the terms of which Congress sought to compel, under penalties for their refusal, owners in the several States maintaining inns, theaters, and other places of amusement, as well as operators of public conveyances on land and water, to offer their facilities and services on terms of equality to all patrons, regardless of their race, color, or any previous condition of servitude. In the following excerpt from the civil rights cases (109 U.S. 3, 9, 13–14, 17 (1883)), we find the Court's reasons for concluding that the aforementioned provisions exceeded the powers of implementation vested in Congress by section 5 of amendment 14:

(Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation to the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority . . . Such (federal) legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. *That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of State legislatures and to supersede them.*)

I submit, Mr. President, that the advocates of H.R. 2516 are attempting by their bill to do exactly what the Supreme Court warned against in 1883. They are trying to establish a code of Federal law so broad that it regulates all private rights between man and man and between man and society. If the advocates of this bill think that Congress should take the place of State legislatures and supersede them in every possible area of the law, they should be candid enough to say so.

Mr. President, the great number of problems that demand Congress' attention and action make it almost impossible for Congress to adjourn early enough to allow Members to spend any appreciable amount of time in their districts. I submit that Congress has enough to do without trying to usurp all functions of the State legislatures.

The Court further stated in the civil rights cases:

The wrongful act of an individual, unsupported by . . . (state) authority, is simply a private wrong, or a crime of that individual; an invasion of the injured party; it is true, whether they affect his person, his property, or his reputation . . .

The Supreme Court has consistently followed the reasoning of those landmark cases of the 19th century. In 1948, the Supreme Court held, in *Shelley* v. *Kraemer* (334 U.S. 1), that for State courts to enforce racially restrictive covenants was State action forbidden by the 14th amendment. The then Chief Justice Vinson said:

Since the decision of this Court in the Civil Rights Cases, 109 U.S. 3 (1883), the principle has become firmly imbedded in our constitutional law that the action inhibited by the first section of the 14th Amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

We conclude, therefore, that the restrictive agreements standing alone cannot be regarded as violative of any rights guaranteed to petitioners by the 14th Amendment. So long as the purposes of these agreements are effectuated by voluntary adherence to their terms, it would appear clear that there had been no action by the State and the provisions of the amendment have not been violated.

In *Burton* v. *Wilmington Parking Authorities* (365 U.S. 715), the Supreme Court stated at page 721:

The Civil Rights Cases, 109 U.S. 3 (1883) "embedded in our constitutional law" the principle "that the action inhibited by the first section (equal protection clause) of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful."

In a concurring opinion in *Garner* v. *Louisiana* (368 U.S. 175, 177–178), Mr. Justice Douglas said:

It is, of course, State action that is prohibited by the 14th amendment, not the actions of individuals. So far as the 14th amendment is concerned, individuals can be as prejudiced and intolerant as they like. They may as a consequence subject themselves to suit for assault, battery, or trespass, but those actions have no footing in the Federal Constitution. The line of forbidden conduct marked by the equal protection clause of the 14th amendment is crossed only when a State makes prejudice or intolerance its policy and enforces it, as held in the Civil Rights Cases, 109 U.S. 3.

Mr. Justice Bradley, speaking for the Court, said:

Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful act of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings.

And finally, in the case of *Peterson* v. *City of Greenville* (373 U.S. 244 (1963)), the Court stated:

It cannot be disputed that under our decisions "private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it." (Citations omitted)

To suggest, as the sponsors of H.R. 2516 do, that an unbroken line of authority extending over nearly 100 years has been nullified by the case of *United States* v. *Guest* (383 U.S. 745 (1966)), is ridiculous. The Court did not find it necessary to deal with the issues of constitutional power, and decided only issues of statutory construction.

Mr. Justice Stewart, who delivered the opinion of the Court, stated:

This case, however, requires no determination of the threshold level that state action must attain in order to create rights under the Equal Protection Clause. This is so because, contrary to the argument of the litigants, the indictment in fact contains an express allegation of state involvement sufficient at least to require the denial of a motion to dismiss.

Mr. Justice Stewart further states:

Since we therefore deal here only with the bare terms of the Equal Protection Clause itself, nothing said in this opinion goes to the question of what kind of other and broader legislation Congress might constitutionally enact under Section 5 of the Fourteenth Amendment to implement that Clause

or any other provision of the Amendment. (383 U.S. at 755.)

Although Justice Stewart did not feel that the Court was required to deal with the issue of constitutional power under the 14th amendment, he did comment on the Court's current views on the issue:

It is a commonplace that rights under the Equal Protection Clause itself arise only where there has been involvement of the State or of one acting under the color of its authority.

The equal protection clause "does not add anything to the rights which one citizen has under the Constitution against another." As Mr. Justice Douglas has more recently put it:

The 14th Amendment protects the individual against state action, not against wrong done by individuals. This has been the view of the Court from the beginning. It remains the Court's view today. (Citations omitted) (383 U.S. at 755)

It is absurd to say that the rulings of nearly 100 years and the opinion of the Supreme Court in the Guest case are nullified by remarks made by Justices Clark and Brennan in their concurring opinions. First, the issue of constitutional power, is, as Justice Stewart pointed out, not necessary for the holding of the case and is therefore dicta. Second, the statements of Justice Clark and Justice Brennan were made in concurring opinions and were not the opinions of the Court. Third, although the advocates of H.R. 2516 use the concurring opinions to support their positions, the Justices signing those opinions did not agree among themselves. Three Justices signed the Clark opinion, and three others the Brennan opinion. No Justice signing the one opinion joined in the other. Fourth, no authority was cited by either Justice in support of his view of the law.

Their statements that the 14th amendment applies to actions by an individual against another individual, are without basis in law or precedent and run contrary to the letter and the spirit of the Constitution.

Mr. President, if that were the law of the land, the Congress of the United States would supersede a State in any power in any matter that it sees fit, merely by invading that field.

If we are to retain a dual system of government under certain conditions with certain delegated powers, and the State operates in its sphere of influence in all areas not delegated to the Federal Government, that must be the law and must remain the law. Otherwise, it will mean the complete destruction of the power and the influence and the integrity of the 50 States of the Union.

Mr. President, I submit that the proponents of this bill need better authority than the concurring opinions of the Guest case if they are going to undertake to pass legislation which preempts and supersedes the common law and penal statutes of the individual States.

Mr. President, I have stated my reasons for believing that this bill is not needed and my arguments against its constitutionality.

Although H.R. 2516 is obviously unconstitutional and is needed about as much as Charles de Gaulle needs a bigger head, I realize that the emotionalism connected with the civil rights issue may defeat all efforts to make reason prevail.

For this reason, I will offer in due course an amendment, which is at the desk, and which will at least instill some measure of logic and reason in this iniquitous bill. Since the advocates of H.R. 2516 base their bill on the 14th amendment, you would think that they would try to stay within the equal protection clause of that amendment. Equal protection of the laws means the protection of equal laws. The equal protection clause requires laws of like application for all persons similarly situated. The proponents of H.R. 2516 have blatantly ignored the mandate of this clause.

How can it be said that all citizens have the protection of equal laws when one person attempting to vote is not protected by this law but his neighbor is protected?

How can it be said that we have equal protection of the laws when one person riding on a bus is protected by the law and another person is not?

How can it be said that we have equal protection of the laws when one student is protected in his right to enroll or attend a public school and another student is not protected by the law?

As stated in the case of *Barbier* v. *Connolly*, 113 U.S. 27, 31 (1805), equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition, and that in the administration of criminal law no different or higher punishment should be imposed upon one than such as is prescribed to all for like offenses.

Mr. President, no new law is needed to protect the right of every American to go to school, to ride a bus, to vote, to eat in a restaurant, or to engage in any of the other activities set out in H.R. 2516.

If such a law is enacted, however, it should protect all citizens equally, not just a racial, ethnic, or religious minority.

The amendment I will offer would eliminate one element of the crime created by H.R. 2516—that the accused must have used force or the threat of force against the victim because of race, color, religion, or national origin.

While my amendment would not cure all the defects of H.R. 2516, and although my amendment cannot make it a good bill, it would eliminate a most obnoxious feature of this bill—it will make the law apply equally to all 200 million people in the United States.

Mr. President, it should by now be clear to every Member of the Senate that this legislation is as unnecessary as it is unconstitutional. We do not need a bill to set up a whole new set of Federal crimes for the protection of just one segment of our population, to the exclusion of all others.

We neither need nor desire a bill that is blatantly sectional and punitively aimed at only a few of the States of this Union.

This bill is as obnoxious to the sense of justice and fair play that is embraced by all Americans as it is offensive to the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I commend the Senator for his sense of fairness in suggesting that, if there is to be a law—I agree with him that it is not necessary—the obvious unjust discrimination of the law be eliminated.

I am well aware, and I believe the Senator from Georgia is aware, of situations in which some people are carried away by their passion in racial matters. That situation applies on both sides of the fence. It applies as much to those who are carried away by ill-advised passion on the Negroes' side as to those who are carried away by their passion of self-righteousness on the whites' side. Such action tends to deprive others of their rights.

I am aware of a situation that existed, for example, when someone who was accused of engaging in some sort of mischief—on the theory that he was part of a Ku Klux operation—asked a local official to sign on his bond to get him out of jail.

This local person did not think he should sign on the bond. He did not know the man well enough to trust him. The next thing you know this elected official finds that his house has been blown up. That was a deprivation of a civil right, the right of his home. That was a matter of being intimidated.

Mr. TALMADGE. The Senator is correct, regardless of his color, regardless of his religion, and regardless of national origin.

Mr. LONG of Louisiana. The Senator is completely correct.

The mayor of Baton Rouge, La., was in town just the other day, and his visit brought to my mind an incident. The mayor of that city has several times taken a position that he thought that justice, honor, and his conscience required him to take as an elected official of that city. On some three occasions the Ku Klux Klan visited his home to burn a cross on his lawn. If that man is to be intimidated and discouraged from his duty as he sees it, it seems most patently correct that he would be denied the benefits of this proposed law because he is a white man being intimidated by white men. Why should it be necessary that he be a Negro to be protected in the right of doing his duty as his honor and his conscience requires him to do it?

Mr. TALMADGE. I agree with the Senator completely. The Senator has put his finger on the fatal defect in this bill. The proposed law would be applicable to some people but not applicable to all people.

To demonstrate how ridiculous it is, on page 7 the following language is proposed:

§ 245. Interference with civil rights

Whoever, whether or not acting under color of law, by force or threat of force—

(a) knowingly injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin and because he is or has been engaging or seeking to engage, lawfully, in—

(1) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election.

I am up for reelection this year. I happen to be white and I happen to be a Baptist. Suppose I go campaigning in Georgia and I go to a particular town and some Negro man tries to intimidate me. He would be violating this law. However, if a white man were to intimidate me he would not be violating this law. Then, if a Baptist were to intimidate me he would not be violating the law. But if he were a Methodist he would be violating the law because his religion is different, and he would come under the proposed law. There are different circumstances, depending on a man's color, religion, and national origin. It is one situation in one sleeve and quite another in the other sleeve. It would be a violation in one instance and not in the other. It is a ridiculous provision of the law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. LONG of Louisiana. In my community again, and I speak of Baton Rouge because one speaks of things about which he knows best, a dedicated member of the school board sat with other members of the school board, and he felt that they had no choice but to go along with a court order requiring them to integrate schools. They had exhausted all of their legal remedies. They had no other choice and they would have to think in terms of complying with the court order.

Some time in the next day or so members of the Ku Klux Klan called at his home when he was not there and they terrified his wife and children. The people of the community very much disapproved of that conduct, and they reaffirmed their confidence in the man by going down and giving him a big vote and doing business at his store to show that they resented the conduct by that minority. This was a result of intimidating the man and scaring his family because he was doing what he felt his duty required of him as an elected public official. Why should this proposed statute require that there must be an incident of a black man threatening a white man or a white man threatening a black man, when it is wrong in any event?

Mr. TALMADGE. It violates every decision ever handed down by the Supreme Court with respect to the 14th amendment and equal protection of the law. There cannot be one law for one group of people and another law for another group of people, depending on the variance of their religion, color, and national origin. That is the fatal weakness of the bill.

Mr. LONG of Louisiana. I must say that the Senator is entirely correct about that matter. It is a denial of a person's civil rights, whether he is black or white, regardless of race or religion. To try to be so selective about those who enjoy rights and those who are to be protected certainly amounts to the most flagrant and unjustified discrimination that I can imagine.

Mr. TALMADGE. I agree. To further illustrate this situation, Rap Brown and Stokely Carmichael could come up here to Washington, D.C., and make a speech and threaten to burn down the city. The Senator from Louisiana or the Senator from Georgia could go out and heckle him and we would be violating the law because they would be black and we would be white. However, if the President of the United States came to address a joint session of Congress and the Senator from Louisiana and the Senator from Georgia tried to heckle him, it would not be a violation of the law because we are all white. That shows how ridiculous it is. If we could say we were mad with him because of his religion, then we might come under the provisions of the proposed law, but it would have to be diversity of religion or something like that.

The law does not apply to all 200 million Americans. The law seems to provide: Sometimes we catch you, part of the time we do not catch you, but we will catch you if we can. That is the theory of the bill.

Mr. LONG of Louisiana. It is not true in all cases of audience annoyance to which the Senator made reference. It would probably be based not on the person's color or religion but in the last analysis, probably on the fact that you did not agree with him.

Mr. TALMADGE. The Senator is correct.

Mr. LONG of Louisiana. Which meant that while one might find a jury sufficiently prejudiced to convict a man on the theory that the motive was race, the real truth is that if you want an effective statute, if it is going to be fair and proper, it would be directed toward the fact that you did not agree with what the person wanted done.

Mr. TALMADGE. Suppose I were to come up and strike the Senator from Louisiana. What difference would it make whether I did it because I did not like his tie or his religion? I would be guilty of assault. The motivation of my striking him does not matter. But the crime I committed does matter. That is the weakness of the bill.

Mr. LONG of Louisiana. Can the Senator explain why throughout history we have had laws and statutes, as have other nations as well, which seek to protect citizens equally, only to find that at this advanced stage of our democracy someone now proposes to protect them unequally?

Mr. TALMADGE. They think there may be some profit at the political ballot box by that reasoning. That reasoning has reached its culmination in the last 2 or 3 years. I think it has run its course. I think that the people of our great Republic are getting tired of unequal treatment in our land, and they are getting tired of unequal laws in our land.

I think some reverses will be found in the ballot box in November for those who espouse one set of laws for one set of people and a different set of laws for another set of people.

Mr. LONG of Louisiana. The Senator is correct. The Senator has had occasion to watch television in the last few years. It has become very tiresome and boring to watch these "whodunit" movies any longer which are shown on television, since from the pressure of certain ethnic or racial groups on the scriptwriters the villain must be a white person with a southern accent. If you see a mystery picture the mystery is gone. The felon has to have a southern background and have a southern accent. For a while it seemed that our citizens of Italian ancestry were being victimized or at least irritated, due to the television program "The Untouchables," and they protested so furiously about it that the program had to be stopped.

I am told that after the President's state of the Union message to Congress, in which the President got the biggest hand when he talked about crime in the streets, some civil rights leaders protested that although they had not been mentioned, they assumed it applied to some of their element and some of their group.

Evidently, to be on the safe side, when anyone talks about crime in the streets, it must apply to those of Anglo-Saxon descent in the South. Apparently, when the President talks about crime, he is singled out for protests, and about the only group that seems to be willing to be the butt of a joke or play the "heavy" in a movie are those who seem to be of Anglo-Saxon ancestry and who come from the southern part of the country.

That is taking all the interest and the thrill out of the "whodunits" for the future, because about the only person who can be the culprit must be either a Communist or a southerner. [Laughter.]

Mr. TALMADGE. We have been the "heavy" in political battles in this country now for about 20 years, and I believe the people of America are getting tired and fed up with it. I think they are going to change the situation. I think the time has come when the people agree that all Americans should be treated alike under all the laws of the land. I hope that the Senate will amend the pending bill accordingly.

While I think the pending bill is a bad bill and would get the Federal Government involved in every area of criminal jurisdiction, if we are going to take that great step, the bill should be amended to make it applicable to all Americans, and not make it depend upon whether there is diversity in religion, race, color, or national origin. Everyone in America should have the law apply to him in exactly the same way.

Mr. LONG of Louisiana. I thank the Senator.

Mr. TALMADGE. I thank the able Senator from Louisiana for his fine contribution to this debate.

Mr. President, the pending bill makes a mockery of constitutional laws of long standing. It violates both the spirit and

the letter of the equal protection clause of the 14th amendment.

To my mind, it is unconscionable even to consider legislation that would in effect empower a vast army of Federal agents to police the most intimate thoughts of the American people.

I am confident that the American people, given the facts about this bill, will demand its defeat—as I do today.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am happy to yield to my good friend from Mississippi.

Mr. STENNIS. I highly commend the Senator from Georgia for the valuable analysis in his fine statement concerning the pending bill. I do not believe he has overdrawn anything in connection with its operation. It is a fair and impartial analysis from the practical side of things, and I think he has made a real contribution to the debate.

I know that he and I feel the same way about dumping this problem into the jurisdiction of the Federal Government. I do not believe that the application of laws can be made any better by relying upon the Federal Government for such diversity in the areas and conditions of the problem. It will be far better, as the Senator states, if we are going into this field, to apply the law across the board. We have got into the pattern of passing election laws as to the qualifications of voters and to gerrymandering, but it does not apply, evidently, anywhere except to our area in the South.

Mr. TALMADGE. As the Senator knows, the bill was drafted with that specific purpose in mind.

Mr. STENNIS. Certainly. That was the design. It was passed to apply only to our part of the country.

Mr. TALMADGE. I wonder whether the Senator from Mississippi read in the press recently about a man named Alexander, who held hearings in New York. He had some witnesses before him, and he said that the employment practices there were worse than in any other area in the country. Did the Senator from Mississippi read that? They were worse than at the village level, the State level, or the Federal level.

Mr. STENNIS. I did not read that, no; but I am really not surprised. We tried to show some instances of that kind on the floor of the Senate during the debate. This is not recrimination or bitterness on my part.

Coming now to the pending bill, it is designed to apply to our part of the country. I think the Senator is correct in saying that the people in the rest of the country are waking up and realizing just what has been going on, far more than heretofore. We have passed laws with respect to Alabama, Louisiana, Georgia, and a few other States, and I believe that the people of the country did not realize fully what was going on. At least, their opinions did not reflect the true situation. But the pattern is so well established, and there has been so much repetition of it now, that I believe they realize it. They do not like it. Unless the pending bill is substantially modified, I believe that it will be defeated largely for that reason.

We are going to keep on trying. I know that the Senator from Georgia does not want to deny anyone the protection of the law to which he is entitled—not anyone—and certainly not on the basis of race, religion, or anything else. We want the law upheld. Generally, it is upheld. In his speech, the Senator has made a correct analysis of the situation. He has made a real contribution to putting this matter in its proper perspective and having it properly understood.

I hope that other Senators will try to do the same thing. I thank the Senator from Georgia and congratulate him.

Mr. TALMADGE. I thank the distinguished Senator from Mississippi for his generosity. He has been an outstanding jurist in his own right and is a great legal scholar. I deeply appreciate his courtesy.

Mr. LONG of Louisiana. Mr President, will the Senator from Georgia yield?

Mr. TALMADGE. I am happy to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. First, I congratulate the Senator on the fine presentation he has made.

One thing the people of the country do not understand is why we do not do something about characters like Stokely Carmichael and Rap Brown, who are doing all kinds of mischief and are destroying the rights of people—property rights, and the rights of life, liberty, and the pursuit of happiness. They are trying to burn down cities. In fact, they have burned some of them down, and this has resulted in hundreds of millions of dollars worth of property damage. Why do we not do something to stop that? Why do we not do something about the right of citizens to entertain their own honest opinions and to do what they think appears to be right as the good Lord gives them the light to see?

Right here in Washington, D.C., where Congress has jurisdiction over the District of Columbia, the Senator, I am sure, is familiar with a home rule petition that has been circulated. A merchant who operates a downtown store declined to sign the petition. What was the result? The petitioners had signs made and put pickets in front of the store, to stop access to the store. The poor man could not do business. He was forced to his knees and forced to sign the petition and subscribe to something he did not agree with.

That is in the same category as Congress passing a law to force a person to sign a confession of guilt when he is not guilty, denying him the right of expression, and forcing him to subscribe to something to which, in conscience, he cannot subscribe at all.

The people of the country are not going to be able to understand why Congress does not pass an effective law but permits hundreds of millions of dollars of property damage to occur, with loss of life, such as occurred in the Watts riot, the Detroit riot, the Newark riot, and the Cambridge riot. They are asking why Stokely Carmichael is permitted to go around the world calling the people of this Nation murderers, assassins, and destroyers of the rights of all people, knowing that that is not true. Yet the proponents of civil rights legislation now come in with a bill like this.

Can the Senator from Georgia explain how we are expected to justify to the American people our acting on a bill like this, a bill which cannot be justified in the first instance, while Congress fails to take any action in the area of lawlessness in the streets and the destruction of people's life, liberty, and the pursuit of happiness, as a result of riots and the incendiary undertakings of Stokely Carmichael, Rap Brown, and their kind?

Mr. TALMADGE. I do not think it can be explained; in fact, the Congress let the President know the truth in no uncertain terms by applauding him so loudly when he called for law enforcement.

The people want some specific, positive action in law enforcement.

I have examined a number of criminal statutes. I think Carmichael is guilty of insurrection, sedition, and inciting to riot, and that there is ample authority on the statute books to proceed against him now. I do not know why the Department of Justice has not proceeded. I have urged them to do so. They can if they wish to do so.

Mr. LONG of Louisiana. That is the area in which action is needed.

Mr. TALMADGE. Indeed, that is the area which is crying for correction. A hundred and thirty cities have been put to the torch, so far as I know, in the last 3 years, and hundreds of persons have been killed, including many policemen and firemen in the line of duty. According to the last estimate I saw, more than three-quarters of a billion dollars of property damage had been done. In some instances it was necessary to call out the Army or the National Guard to try to repel anarchy in our cities.

Yes, this area needs attention. I fully share the Senator's view.

Mr. LONG of Louisiana. In the final analysis, would the bill do anything to help the people who seek to prevent the stirring up of trouble?

Mr. TALMADGE. It would not do anything of the kind. In fact, it would impede law enforcement officers. If the militia were called out to try to put down a riot, and a Catholic policeman arrested a Baptist rioter, perhaps the policeman could be prosecuted for arresting the Baptist rioter on the ground that he had arrested someone of a diverse religion.

Mr. LONG of Louisiana. In a great number of instances, would it not put the policeman or National Guardsman in a position in which he was acting at his peril in protecting the rights of citizens?

Mr. TALMADGE. It certainly would, because it would put him in a position where he could be accused of violating a Federal statute when he was trying to put down a riot in a city.

Mr. President, if there are no questions, I yield the floor and suggest the absence of a quorum.

Mr. HART. Mr. President, will the Senator withhold that request for just a minute?

Mr. TALMADGE. I withhold that request.

Mr. HART. Mr. President, unfortunately, I am compelled to resume hearings at 2:30 of a subcommittee which has subpenaed several out-of-town witnesses. As I take my leave at this hour of 2:32, I should like to indicate in the RECORD that my silence must not

be indicated as agreeing with the learned and interesting speech of the Senator from Georgia and the delightful exchange with the distinguished majority whip, the Senator from Louisiana. The compulsion of time just prevents me from making any response other than that.

I shall return, but in the meantime I would hope that each of us would have an opportunity to read the message of the President of the United States delivered to us today. I think he pretty effectively describes the need for the bill and the reason why it is restricted as it is. The bill seeks to respond to an area of identified need. Crime generally across this country is handled without respect to the color of the skin——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. TALMADGE. The Senator knows the bill is restricted to certain situations regarding a diversity of race, a diversity of national origin, and a diversity of color. What would be wrong with striking that provision from the bill and making it applicable to 200 million Americans—period?

Mr. HART. If the Senator wants to have a Federal police force patrolling the streets, that is fine——

Mr. TALMADGE. I do not want that, but the bill so provides a Federal police force, and the bill limits the police force to special people in particular circumstances where there is a diversity of religion, a diversity of color, or a diversity of national origin. If we are to have a Federal police force—and I hope we do not—let us have one for 200 million Americans—period.

Mr. HART. I have less concern with that kind of police force than does the Senator from Georgia, but I am yet to be persuaded of the need for it. I must get to that hearing, but I do say that the expansion of Federal police authority should be restricted to those areas where there appears on the record to be an unmet need, tailored carefully to that. That is the reason why the committee bill is reported in the fashion it is.

Incidentally, as I take my leave, I would ask the Senator from Louisiana to look at the bill carefully. That white mayor of Baton Rouge is protected. Protection is provided for the white man—I assume he was white—the Ku Klux Klansmen who burned the cross. Subsection (c) does that.

Mr. President, I would merely indicate less than complete agreement with the remarks I have heard. I shall return.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I have looked at the section of the bill to which the Senator from Michigan [Mr. HART] referred. He is necessarily absent, and I simply want to make this a part of the RECORD now. We can discuss it later.

I believe the Senator to be in error in saying that subsection (c) on page 9 of the bill would protect the mayor of the city of Baton Rouge, to whom I had made reference.

The language there says that it applies where someone "knowingly injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any public official or other person"—and here are the key words—"to discourage him from affording another person or any class of persons equal treatment in participating or seeking to participate in any of such benefits or activities without discrimination on account of race, color, religion, or national origin, or because he is or has been affording another person or class of persons equal treatment in so participating or seeking to so participate."

In the kind of instances to which I have reference, often the point at issue is simply a difference of opinion over a State law; such as whether it should be passed or should not be passed, or a difference of opinion with regard to an ordinance, and would not really meet the language of this statute.

The language here is so narrowly drawn as to the circumstances under which the public official would be protected that I doubt very much that it would apply to the situation that I described.

It is conceivable that there might be some such cases in which it would apply to the mayor of Baton Rouge or some other mayor, but again I would ask the question: Why should it be so severely limited? Why should it be that if someone seeks to intimidate such a person from doing his duty as he sees it, if we are going to protect him, why should the application be so limited as to the set of facts? Why should it not be of more general application, if it is to be passed at all?

Mr. SPARKMAN. Mr. President, the main part of my remarks will be directed against the bill H.R. 2516, but since the Senator from North Carolina, when the Senate met on January 19, called up his amendment No. 505 and made it the pending business, I shall comment on the amendment.

As a matter of fact, I am glad that the Senator called up his amendment because it points out what a broad and all inclusive proposed criminal statute we have before us for consideration. We must remember that what we are dealing with now is in the criminal and not the civil law. Heretofore, it has been civil law and pronouncement of rights which have constituted the fundamentals of the bills dealing with the so-called subject of civil rights. In this instance, we must take care at every turn to see, first, that the jurisdiction is sound; second, that the accused is clearly advised, in a law that is not vague, just what is, and what is not a crime; third, that the element of intent is spelled out so as to constitute a basis for indictment by a grand jury, and that the right to trial by jury is not impaired; and fourth, that all elements and parts of the Constitution, including the 10th amendment, that protect individuals against arbitrary or unjustified acts by the Federal Government, are fully considered.

It is my belief that these considerations will be weighed in the balance and found wanting.

In general, amendment No. 505, which is similar to part of the substitute bill offered as amendment No. 429, is at least an improvement over the bill as reported by the full committee on the Judiciary. In many ways, however, it is the lesser of two evils, because it would still impose a Federal Criminal Code in the heavily expanded field of so-called civil rights which Congress in the civil sense of the law has enlarged so greatly in the last few years.

I do not look with favor on following all of these enactments with rigid criminal penalties empowering Federal courts to sit in each and every instance of even attempted interference as courts of criminal justice with all of the great powers of a Federal court. This would change our whole dual structure of courts and in fact would change our system government because the States did not delegate to the Federal Government this broad system of Federal judicial criminal power. Congress should not attempt to change the basic nature of Federal courts and enlarge their criminal jurisdiction and powers beyond the delegations made by the States and the people to the Federal Government.

One of the major differences in amendment No. 505 and the main bill, and I commend the Senator from North Carolina for doing this, is that the amendment would eliminate extending the proposed Federal criminal code to the enforcement of all State and local laws by protecting them against any interference on the grounds set forth in the bill. This extreme proposal would constitute our Federal courts as agencies to enforce with heavy felony penalty powers the benefits, services, privileges, programs, use of facilities or use of any activity provided or administered not only by the United States, but by any State or local government as well. The Federal enforcement under the administration's bill would be for reasons of race, color, religion, national origin, and engagement in speech or peaceful assembly, whereas under the amendment enforcement would apply to all persons equally on a more restricted basis.

FAIR HOUSING

At first glance it might not be thought that the questions of open occupancy and enforced fair housing are, or could be, involved in this bill other than through amendment No. 290—the current fair housing bill language—which has been filed, and in fact, was filed before the bill went to the Judiciary Committee.

On examination of the bill, however, and in comparing it to the pending amendment, amendment No. 505, I find that the subjects of open occupancy and enforcement of fair housing standards are involved in the bill as reported and that they are excluded by the amendment proposed by the Senator from North Carolina.

I feel that since I am so involved in the subject of housing, I should point this out to the Senate.

In lines 15 and 16, page 2 of amendment No. 505, there are the words "other

than by way of a contract of insurance or guaranty." These are the same words that appear in title VI of the Civil Rights Act of 1964, now Public Law 88–352 approved July 2, 1964. The net effect of these words in the amendment is to exclude from the coverage of the proposed criminal law all FHA-insured and VA-guaranteed programs. In the administration bill H.R. 2516, there is no such exclusion and therefore these programs would be covered even though Congress saw fit in the act of 1964—and it was originally at one time in the administration bill, I believe—to exclude from the coverage of title 6 FHA-insured and VA-guaranteed programs. This exclusion would be accomplished by the devious and harsh method of a strict criminal statute. If the bill should be enacted, Congress would not only be affirming at least the purpose of the unconstitutional Executive order on housing of 1962 which was a clear usurpation of legislative power, but it would be imposing severe criminal penalties on those who for reason of race, color, religion, or national origin would interfere with a person seeking to engage in an FHA or VA program or to enjoy its benefits as a program of Federal financial assistance, exempted by the terms of the 1964 Civil Rights Act.

Considering the fact that from its start in 1934, FHA alone had engaged in more than $100 billion worth of housing programs by the end of 1966, this makes a large and important difference in the two bills before the Senate.

Another aspect of the so-called fair housing subject lies in the fact that the administration's bill H.R. 2516 could be used to lend Federal criminal enforcement to all the fair housing laws that have been enacted by the States and by cities as well, including the law in California which was repealed by the people but retained by the courts.

The language of the bill that would do this reads as follows, in subsection (a)(3) page 7 of the bill, which is enumerated along with other provisions:

(3) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States, or by any State or subdivision thereof;

In other words, if any State, county, city, or any political subdivision of the State were to pass any kind of open housing law that it desired, that law which on its face deals with racial matters would be subject to enforcement in the U.S. courts, and the criminal penalties provided in the pending legislation could be imposed.

I think that is something for us to keep in mind. One thing that the amendment of the Senator from North Carolina would do would be to remove that kind of a provision from the bill.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Assuming that a community has an open housing law such as the Senator has described, a law which might provide a very mild remedy, perhaps no more than injunctive relief, if a person could be ordered to sell his home if the court thought he ought to sell it, and if the person declined to do so and would not abide by the so-called open housing law, are we to understand that these Federal remedies could be used against him, so that he would be subject to a fine of $1,000 or imprisonment for 1 year in a jail for not complying with the order, even though the city or State did not see fit to impose any such harsh remedy?

Mr. SPARKMAN. Having been put on the statute books as a local law ordinance, the measure would then come under the scope of the pending legislation as a "program" or "benefit" of a subdivision of a State, and any offense committed against participation in such law or program would become subject to the criminal penalties provided by the pending legislation.

I read a while ago the language of the bill that would cover that. It is contained in subsection (a)(3) of the pending bill and is found on page 7. I presumed that it was section 1 but find that the bill is not so divided.

To make the matter a little clearer, I will read the beginning of the section also. It reads:

Whoever, whether or not acting under color of law, by force or threat of force—

(a) knowingly injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin and because he is or has been engaging or seeking to engage, lawfully, in—

* * * * *

(3) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States, or by any State or subdivision thereof;

The measure then goes on to say that that person shall be guilty of an offense and subject to fine or imprisonment as provided in the main terms of the bill.

Under that section, the pending legislation would reach down and take jurisdiction of such offenses.

Regardless of what the bill seeks to do, regardless of its professed motive, any legislation that allows the Federal Government to usurp powers and rights and privileges of the State courts and local courts and take them away from the people in the communities and States where they live is bad law. That is the point I wish to make. This bill goes to the extreme in that respect. As I have pointed out, I am glad that the Senator from North Carolina [Mr. ERVIN] introduced his amendment to remedy some of these features, especially the activities of States and subdivisions thereof.

I should point out that the exclusion of FHA and VA from title VI of the Civil Rights Act of 1964 was indeed a much-debated subject on the floor of the Senate. We all remember that. Regardless of how it was debated, it stayed in the bill.

I recall that the man who is now Vice President of the United States occupied the position that the Senator from Louisiana now occupies—assistant majority leader. I recall that the Vice President of the United States, who really managed the bill on the floor of the Senate, assured the Senate time after time after time after time that housing built under FHA and VA programs would not be subject to the terms of title 6 of the bill. Yet, this bill, if written into law without the Ervin amendment, would undo what the 1964 Civil Rights Act did with respect to granting exemptions to federally insured or guaranteed housing programs. I was actively engaged in that debate.

The House passed the 1964 bill with the exclusion in it in the same general language that the Senator from North Carolina includes in his amendment No. 505. The language of that amendment is "other than by way of a contract of insurance or guaranty", whereas the title VI language is—and I call attention to the similarity of it—"other than by a contract of insurance or guaranty". So the Senator can see that it is exactly the same, although the arrangement of the words may not be identical.

We retained this excluding language in the bill, against vigorous opposition. Had the bill gone through in that form, it would have nullified completely the Executive order on housing with respect to FHA and VA, because Congress would have preempted the field. This is one occasion in which the doctrine of preemption would have worked against, and not for, the continuous and ever-expanding power of the Federal Government.

Finally, in the last stages of voting on title VI, the Senate agreed to a compromise amendment offered by the Senator from Connecticut [Mr. RIBICOFF] which left the language excluding FHA and VA from coverage intact in the title, but added section 605, as follows:

Nothing in this title shall add to or detract from any existing authority with respect, to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

Of course, it was our contention that the executive order of 1962 was unconstitutional and therefore had no effect.

This clause nullified the preemption of the field by the language left in the act excluding FHA and VA from title VI coverage, and that is about all it did. It left the Executive order on housing in a vacuum, so to speak, dangling in the air, without any support or affirmation by Congress, and at that stage, and in its present stage, without a nullification by Congress.

The legislative history of attempted "fair housing" by open occupancy in FHA and VA programs shows clearly that Congress on at least seven occasions turned down these proposals. I pointed this out clearly in the statement I made in the CONGRESSIONAL RECORD, volume 108, part 17, pages 22908–22914. This statement included a legal brief showing the unconstitutionality of the invasion of the legislative prerogative by the President in issuing the order.

The RECORD of September 14, 1959, will show that 3 years before the issuance of the order, I opposed the recommendation of the Civil Rights Commission that the order be issued. I advised the President against issuing the order. After its issuance, on many occasions in debates in the Senate on the frequent proposals in the field of so-called civil rights, I have

described the order as being unconstitutional—a clear case of the President attempting to write legislation after Congress on seven occasions had refused to do so. In this position, I was affirmed by the article by U.S. District Judge Sterling Hutcheson, entitled "The Constitutionality of the President's Order Barring Discrimination in Federally Assisted Housing," as it appeared as a part of the book by Alfred Avins entitled "Open Occupancy versus Forced Integration Under the 14th Amendment," published in 1963. I have been surprised that the order was not taken into court and overturned as was the President's seizure of the steel mills in *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U.S. 579 (1962).

My position on this matter and on so-called fair housing in the conventional market, where the case is even weaker, is clear and consistent. It arises, from a policy point of view, out of a sincere belief that attempts to dictate the conditions under which a person can sell or rent his own property, both in the conventional market and in federally assisted programs, leads only to inefficiency, misunderstanding, interminable administrative problems, and accomplishes very little other than a deprivation of important property rights in the conventional field to which every landowner is entitled.

The failure of the Senate to act on the title IV fair housing proposal in the civil rights bill of 1966, after rather full and extended debate, indicated that the position of Congress on this whole question in the field of housing has not changed from the status in which it was left in 1964, which I have outlined above. This bill seeks to change the law as it was enacted in 1964.

Therefore, the law as it stands at this point, at the present time, carries the exception "other than by way of contract of insurance or guaranty" in regard to programs or activities receiving Federal assistance.

Accordingly, when I noticed that amendment No. 505 included the exception, but the administration bill did not, I concluded that the matter is one of importance and should be brought to the attention of the Senate. I congratulate the Senator from North Carolina for including the language in his amendment, because if this bill is to pass the Senate—and I trust that that will not be the case, the language excluding FHA and VA should be in it.

A final difference between amendment No. 505 and the bill as reported, on which I wish to comment, is that the amendment contains language which exempts from its provision law enforcement officers, members of the National Guard, and members of the Armed Forces who are engaged in suppressing a riot or a civil disturbance.

This is quite different from the bill that was approved by a majority of the Judiciary Committee—a majority of one, by the way. The vote by which it was reported to the Senate, as I recall, was 8 to 7.

As reported, H.R. 2516 provides no exemption to law enforcement officers. The very strong provisions in favor of law enforcement officers placed in the bill on the floor of the House of Representatives were deleted by the committee in the Senate. As a matter of fact, the committee bill can be interpreted as being directed in part to law enforcement officers. The opening sentence of the bill is as follows:

> Whoever, whether or not acting under color of law, by force or threat of force, (a) knowingly injuries, intimidates or interferes with or attempts to injure.

The language thereafter establishes heavy felony penalties up to life imprisonment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator knows, does he not, that many of these incendiary type speeches that lead to riots start out by claiming that the Negro element of the community is being denied the rights of education, the rights of housing, and the rights of employment to which they are entitled, and that they are being discriminated against, and that the powers that be in the community have no intention of correcting any of these imagined or real injuries, as the case may be. Therefore, when a law enforcement officer sees that sort of thing is getting out of bounds, and that it might lead to the kind of tragic events that have occurred in many cities of the Nation, he would act at his peril when he sought to break up this type thing, would he not?

Mr. SPARKMAN. Let me ask the Senator from Louisiana this question. The Senator is a man of good and sound commonsense. What policeman, National Guardsman, Army personnel, or a volunteer who was deputized would dare try to stand against these people, such as the Senator has described, if this were the law? Would he not be almost taking his life in his hands? Certainly, he would be jeopardizing his liberty and freedom because he would immediately become subject to a criminal penalty.

Mr. LONG of Louisiana. If it were found that he violated the other person's rights, and the person were protected by this law because of race, then the law enforcement officer would be subject to being fined either $1,000 or $10,000, as the case may be, in a Federal court.

Mr. SPARKMAN. Or imprisoned.

Mr. LONG of Louisiana. Or imprisoned. He could receive anywhere from a year to 10 years in prison.

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. So that the punishment is utterly fantastic. He would be tried in a Federal court although he might be a State agent. A person would be subject to thinking that he was protecting the rights of society, but he would be acting completely at his peril because if the court ruled against him, he would be subject to a fine of $10,000 or 10 years in prison, or both.

Mr. SPARKMAN. The Senator is correct. By the way, the Senator mentioned race. It should be remembered that race is only one of the matters involved. The bill provides for race, color, national origin, or religion.

Mr. LONG of Louisiana. Yes. Does the bill provide for a tax-paid lawyer to defend the man in the event he is accused falsely of violating this law?

Mr. SPARKMAN. No. And there is no provision for a charge against the fellow who strikes and hurts a law enforcement officer.

I wish to say something that the Senator from Louisiana may not recall. One of the first so-called race riots was in Birmingham, Ala. All over the world people heard about the Birmingham riots. It was called a riot, but it really was not much of a riot. It was more a matter of controlling the marchers. That disturbance lasted some 47 days. Everybody all over the country heard about police brutality.

Mr. LONG of Louisiana. Forty-seven days?

Mr. SPARKMAN. Forty-seven days. There was a running disturbance of 47 days. I think I am correct in my memory.

There was not one, single Negro injured in any way. The only injury in all of that time was to a policeman who was struck by a broken bottle and seriously injured. Had that occurrence happened under this law, that man would not have had recourse to anybody at all because the bill is directed in the other direction. This, however, was a case of a Negro against a white man.

Of course, they talk about police brutality and one of the things they talk about is the use of police dogs. How many times in the riots since that time in really vicious and destructive riots have police dogs been used? In that instance, there was not any destruction down there, except that in those so-called riots, if you wish to call it that, they set fire to a motel owned by a man of their own race, who was a distinguished citizen and a man who tried to reason with them against what they were doing.

Mr. LONG of Louisiana. What protection would that man receive under this proposed bill?

Mr. SPARKMAN. Nothing, because it was done by a man of their own race.

In these destructive riots since that time, in these northern cities that cried out so against police brutality and the use of police dogs, how many pictures have you seen of police dogs being used? One does not have to go far. Stand over here on the steps of the New Senate Office Building any afternoon at about sundown and you will see the police with police dogs, and yet, because they were used there it was called police brutality.

There have been some changes, but I thought I would point out how this bill would protect the marchers, the protesters, the rioters, if one wishes to call them that, but would have penalized the police for trying to keep them in order. As the Senator has correctly said, no law enforcement officer could afford to try to do his sworn duty in the face of a law such as this. I believe that sincerely.

Mr. LONG of Louisiana. Mr. President, that clearly indicates that this entire proposal simply moves in the wrong direction. Instead of protecting society it seeks to protect a small number of citizens who frequently are professional

troublemakers and it would ignore the real needs of society.

Mr. SPARKMAN. Yes. If we need any strengthening of laws we know it should be something that fairly protects the one side but at the same time gives fair authority to the other side.

Mr. LONG of Louisiana. Does the Senator find anything in this bill that would have helped to prevent the tremendous property damage, loss of life, and personal injuries that have occurred among those who participated in these riots, both in causing them and in carrying them on?

Mr. SPARKMAN. Nothing at all. There is nothing here that would take crime away from the streets or make our streets safe. As a matter of fact it would give encouragement the other way because they will know they have a fence thrown up around them in the form of a Federal law that penalizes that law officer who uses force or the threat of force. How are you going to administer a law if you cannot use force or the threat of force?

Mr. LONG of Louisiana. Is the Senator aware of the fact that at this very moment there are approximately 50,000 vacancies on the police forces of cities throughout the United States?

Mr. SPARKMAN. No; I did not know that figure, but I know that right here in the District of Columbia one of the standing complaints is the inability to get police, and then to keep them after they get some experience.

Mr. LONG of Louisiana. Is that not because there are so many impediments thrown in the way of policemen so that they cannot get their job done—such as the Supreme Court decision, and others?

Mr. SPARKMAN. Certainly.

Mr. LONG of Louisiana. And by the failure of society to support policemen and back them up in their difficult tasks, so that they become discouraged and tend to seek more remunerative employment elsewhere, where they will be better appreciated?

Mr. SPARKMAN. Yes; and where they will receive some degree of protection. It is the harshness of recent court decisions which have burdened the police.

Mr. LONG of Louisiana. Would not enactment of the present bill make it even more difficult and perilous for policemen to perform their duty and even more difficult, therefore, for us to obtain adequate ploicemen, properly qualified, to protect society in the rights which every citizen in this country should enjoy?

Mr. SPARKMAN. I do not see how policemen could possibly afford to act or how they could be advised in detail how to act in trying to curb a riot, or prevent the runaway destruction of property, or even to keep marchers and demonstrators in line, instead of letting them run all over the place if the bill were enacted.

Let us take the recent march on the Pentagon. These people formed a phalanx and were going to break into the Pentagon Building, after they had been given every consideration and every kind of protection in their march from the Lincoln Memorial to the Pentagon. They were protected by the police all the way—at least they were helped along the way. They got over there and broke through the line of guards at one place and I think a few of them actually got inside the Pentagon Building, after every kindness, every disposition, and every consideration to be helpful to them had been shown.

There were MP's out there, with rifles, but they might not be able to afford even to block the marchers under a law such as this.

Mr. LONG of Louisiana. If I understand correctly what is in the pending bill now, if a military policeman were acting under the orders of his commandant, he would not be protected, he would still be subject to punishment, if that commandant did not have that authority according to the court.

Mr. SPARKMAN. The word that covers it is "whoever." That does not exclude anyone, does it?

Mr. LONG of Louisiana. The bill states, on page 7, "Whoever, whether or not acting under color of law"—in other words, if he said that he is protecting society and is doing it under orders of his commanding officer, even though he be a member of the military police seeking to control a riot——

Mr. SPARKMAN. That is the way I interpret the word "whoever." That means no limitation.

Mr. LONG of Louisiana. He would be subject to 10 years' imprisonment, a $10,000 fine, or both, by virtue of the fact that the language states: "Whoever, whether or not acting under color of law, by force or threat of force," proceeds to do any of the following things——

Mr. SPARKMAN. That is right.

Mr. LONG of Louisiana (continuing). "Knowingly injures, intimidates, or interferes with because of his race, color, religion."

Mr. SPARKMAN. Yes. I was going to call the Senator's attention to the fact that, first of all, the broad word "whoever" covers everyone. It covers the Senator from Louisiana and it covers me. It covers everyone. Then it also states whether or not he is acting under color of law. I suppose we could say that an MP acting under the orders of his commanding officer would be acting under color of law.

Let me go one step further. It states, "knowingly injures, intimidates, or interferes with." That is pretty broad language. Has the Senator noticed the absence of the word "willfully"?

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. I would say that is about the broadest language I have ever seen: "whoever, whether or not acting under color of law, by force or threat of force—knowingly injures, intimidates, or interferes." "Intimidates" just means "scares."

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. "Interferes" might be just saying, "Move along. Move along. Move along." Or "Do not loiter." And he would be interfering.

Mr. LONG of Louisiana. Thus, if this person should interfere with the right of someone to participate in an activity administered by the United States or "participating in or enjoying the benefits" provided by the laws of the United States, I assume that is a benefit or a right to peacefully protest, and would be used as a benefit so long as it remains peaceful, and when it starts to get out of bounds, a military policeman would be acting at his peril.

Mr. SPARKMAN. Absolutely. I think the Senator is right. I am glad that he raised that point.

Mr. LONG of Louisiana. Is not the Senator well aware of the fact, with regard to the Birmingham riots, that there were many statutes involved there, but the court tended to find that those acting on behalf of their civil rights were permitted to do so, even though they were violating local ordinances, so that the crimes complained of were not upheld by the court in some instances?

Mr. SPARKMAN. That is correct. But, let me add, in some instances they were upheld. Some were not. Actually, some were convicted and made to serve a term in jail.

Mr. LONG of Louisiana. Where the court does not uphold a law that a military policeman is seeking to enforce or a patrolman—who, after all, is not a lawyer, and even if he were, he could not know for sure what a court would decide—they would be acting at their own peril.

Mr. SPARKMAN. There would be no law to protect them. The law would be against them in every respect. The law enforcement officer or the civilian who would like to preserve order and help in maintaining order might find themselves in jeopardy as a result. This is very broad coverage, especially where the officer, acting under orders of his commandant, proceeds to interfere with someone of a different race who appears to be doing something that might lead to the destruction of property, loss of life, or personal injury, and who acts to try to stop it before it gets out of hand.

Mr. LONG of Louisiana. Does it not mean, then, when he interferes with what people may contend their rights to be, he is acting at his peril; and if the court does not uphold the law that he is seeking to enforce, that policeman, in fact, is subject to the penalties provided in the pending bill.

Mr. SPARKMAN. The Senator is right.

Mr. LONG of Louisiana. I thank the Senator.

Mr. SPARKMAN. It would be most difficult to fill the 50,000 vacancies in the police forces throughout this country. We know that the District of Columbia is having a very hard time getting policemen now. I imagine that the Senator from West Virginia [Mr. BYRD] could testify eloquently to that, because he is chairman of the Appropriations subcommittee for the District of Columbia, and he knows the problem which the police department here is having not only in recruiting policemen but also in keeping good, efficient, and experienced policemen on the force.

Mr. LONG of Louisiana. I thank the Senator.

Mr. SPARKMAN. The pending bill would not help them at all. It would make it even worse because everyone would know that a policeman would be

jeopardizing his liberty and his freedom when he does it.

There are very few police officers who do not act by force or threat of force, and they usually act knowingly in that generally they are supposed to know the consequences of their acts as part of their duties.

I call the Senate's attention again to the omission of the word "willful." In nearly all criminal cases, especially major felonies, willful intent is an essential ingredient. We were writing legislation recently regarding proposed criminal penalties in housing legislation in the Banking and Currency Committee, where that question came up. I insisted that the word "willful" be included in the legislation. It follows previous legislation dealing with Security and Exchange Commission violations. In other words, if a person is going to be prosecuted and convicted of doing something that is wrong, the burden ought to be, as has been true from time immemorial, upon that political subdivision which is seeking to punish him and on the prosecutor to show that not only he knew what he was doing, but he did it with a willful purpose.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator if there is not also another problem there, that while the person may not actually have knowingly violated this proposed civil rights law, he could still be prosecuted, and he would still have to go to great expense to defend himself to prove that he really did not knowingly interfere with the right that the person had?

Mr. SPARKMAN. Even then he would be on shaky ground, because so often the law presumes he knew and says or implies that he had the duty to know especially law enforcement officers. I would not say that this is always true. He could sometimes prove he knew nothing at all about it. Those cases would be few and far between.

Mr. LONG of Louisiana. After the cases had been prosecuted, would not there tend to be a feeling on the part of the law officials that they should stand aside and not interfere, because, even though they might not be intending to interfere with someone's rights, they could still be prosecuted and made to prove that they really did not know that this act was going to be held unconstitutional, they did not know the court was going to take that attitude, and they did not know for sure what was going to happen under those circumstances, and therefore they did the best they could? Rather than hire a lawyer, have court costs, and one thing and another, they would prefer to stand aside rather than try to protect society?

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. Is not one of our problems that too many of our citizens stand idly by when some innocent victim is being injured, when they should be acting to protect that person in his rights?

Mr. SPARKMAN. We know it is becoming a national disgrace in many places, particularly in big cities, for people to fail and to refuse to go to the relief of somebody who is in real distress. The Senator is correct.

Mr. LONG of Louisiana. It is bad enough, without some such law as this, to go to the aid of a person at one's peril.

Mr. SPARKMAN. The Senator is correct.

In times like the present, when riots and disorders are a constant threat, and the burdens on our law enforcement officers are tremendous, I feel that the Congress should not enact such legislation as this which on its face would seem to be cast in favor of inflammatory speechmakers and those who call potential rioters into peaceful assembly and, at the same time, would make the position of law enforcement officers more difficult.

Let me say again at this point, and without any doubt in my mind, that I prefer the language of amendment No. 505, exempting law officers and others engaged in suppressing riots and restoring order from its provisions.

Now I turn to a discussion of the main bill.

In order to make it clear, I say again that what I have said so far has been on the amendment which is the pending business, and the differences between it and the main bill, the amendment offered by the Senator from North Carolina [Mr. ERVIN] to this bill, H.R. 2516.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Recently a situation developed in Louisiana that had much publicity given to it, up until the time the State proved equal to deal with it adequately, after which the publicity was dropped. If someone had been injured or killed, much would have been made of it.

I refer to the situation when marchers from Bogalusa were going to march on the State capital. H. Rap Brown became involved in the matter. It looked as if there would be a serious confrontation. At that time the marchers were protected from the Ku Klux Klan and the whites who might have interfered, and the citizenry was protected from the marchers. The Governor made it clear to the Ku Klux Klan, as well as to the Negro demonstrators, that they could hold their meeting and say what they wanted to say, but immediately that someone got out of line, the police were ordered to shoot to kill. The result was that no one was shot or injured, and everything was handled peaceably. What was billed as a great performance dribbled into nothing because there was adequate police protection to protect society from both elements.

Would not that classic example of good law enforcement have been jeopardized if the bill which is before us had been law, or if any one of those officers, who might have felt that if someone got out of line he was to shoot him or use his blackjack or do whatever was necessary to deter him, would have been subject to this law, under which he could have been found guilty of acting at his peril and acting on his authority, and sentenced to a $10,000 fine and 10 years in jail?

Mr. SPARKMAN. The Senator is correct. I doubt very seriously that that situation could have had orderly treatment. First of all, I do not say that the people who were marching had militant forces among them, but we do know that in so many of the demonstrations and marches today there are militant people who attach themselves to them and take advantage of the occasion to stir up trouble. I believe the Senator mentioned H. Rap Brown was a part of it. We know he has a record of militancy and of stirring up trouble.

Suppose it had been a militant group and there had been a law of this type in effect and they knew about it and they knew a perfect shield was provided for those on one side and none for those on the other side. Does the Senator think that would have been the orderly march that did take place?

Mr. LONG of Louisiana. No. In my judgment, it would have encouraged those agitators to have gone beyond what happened and it might actually have resulted in a riot.

Mr. SPARKMAN. I have in my hand a Supreme Court case entitled *Cox* v. *Louisiana*, 379 U.S. 536 (1965). Is the Senator familiar with that case?

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. That was an appeal from the Supreme Court of Louisiana, which was argued on October 21, 1964, and decided January 18, 1965. It deals with a civil rights demonstration in a place that the Senator knows quite well, Baton Rouge. I shall not read the whole case, but I make reference to it in order that we may see how well the facts fit in with just such a situation that might be affected by this kind of law or that might be shielded by this kind of law. Here is a Supreme Court holding that the marching crowd had assembled lawfully:

> Appellant was the leader of a civil rights demonstration in Baton Rouge, Louisiana, of 2,000 Negro students professing segregation and the arrest and imprisonment the previous day of other Negro students who had participated in a protest against racial segregation. The group assembled a few blocks from the courthouse, where appellant identified himself to officers as the group's leader and explained the purpose of the demonstration. Following his refusal to disband the group, appellant led it in an orderly march toward the courthouse. In the vicinity of the courthouse officers stopped appellant who, after explaining the purpose and program of the demonstration, was told by the Police Chief that he could hold the meeting so long as he confined it to the west side of the street. Appellant directed the group to the west sidewalk, across the street from the courthouse and 101 feet from its steps. There the group, standing five feet deep and occupying almost the entire block but not obstructing the street, displayed signs and sang songs which evoked response from the students in the courthouse jail. Appellant addressed the group. The Sheriff construing as inflammatory appellant's concluding exhortation to the students to "sit in" at uptown lunch counters, ordered dispersal of the group which, not being directly forthcoming, was effected by tear gas. Appellant was arrested the next day and was convicted of peace disturbance, obstructing public passages, and courthouse picketing. The Louisiana Supreme Court affirmed the conviction, two of which (peace disturbance and obstructing public passages) are involved in this case.

I shall not go further than that. I have read the syllabus of the case. I simply point out that the effect of the decision in that case was to hold that the crowd had assembled lawfully and that the Louisiana breach of the peace law, which was probably clearer than the proposed law now before us, was unconstitutional due to vagueness. The court in effect said that nobody could be touched. Had this measure been in effect, any officer trying to do what the sheriff there was doing, would have been subject to the penalties under this act.

Mr. LONG of Louisiana. The fact that the statute uses the word "knowingly" would not have helped that sheriff particularly, would it?

Mr. SPARKMAN. No, it would not.

Mr. LONG of Louisiana. Because he would be presumed to know what the court was going to hold, even though he may not have.

Mr. SPARKMAN. In some cases, that might be true. In this case, in reality, he knew what he was doing; but I submit that he was acting under a State law that he had a right to presume to be a good law. He knowingly did what he did, but there was nothing willful about it. That is the point I made a while ago, when I called attention to the fact that his bill omits the requirement of willfulness and rests entirely on knowledge.

Mr. LONG of Louisiana. That sheriff had to act at a time when he was required to presume that State law to be valid. However, the court proceeded to hold that the State law was not valid. The courts have done that in many instances with regard to laws that would have controlled these riots and demonstrations.

Mr. SPARKMAN. Yes. Laws such as this are purely within the police powers of the States. The sheriff had every reason to believe that the Louisiana laws were valid.

Mr. LONG of Louisiana. But that law-enforcement officer would have been subject to innumerable fines of $10,000 and jail sentences of 10 years, because he used force to break up the demonstration when he concluded that the thing had gotten out of hand and was in violation of a State law.

Mr. SPARKMAN. Suppose that that group had known that a law like that proposed here was in effect, and knew that they were shielded, they were protected, but that the officer was not. Does anyone believe they would have maintained order? Of course not.

Mr. LONG of Louisiana. They would then have been protected, perhaps, against liability for the damage that they did to the sheriff and his deputies, but he would not have been protected for enforcing a law which, so far as he knew, was valid.

Mr. SPARKMAN. Not only would he not have been protected, but he would have been subject to this severe penalty under a Federal law, and not subject to State control at all.

Our people have known since the beginning of this Republic that police powers generally were matters for States to handle. There are decisions and history that are pertinent. I hope sometime before we finish the debate on this bill, unless it is finished pretty quickly, that we may have an opportunity to discuss in a little bit more detail the Supreme Court decisions, and refer to discussions of police powers by some of the most eminent legal minds in this country who have discussed police powers and the trial of criminal offenses by State courts rather than Federal courts.

We know that there are certain types of offenses that, regardless of where they happen, may be tried by Federal courts; but all others are subject to the State laws, and subject to being tried in the State courts. The Federal Government is one of the delegated powers.

Not only that, but many years ago, in 1870 and 1873, in fact, Congress in writing an act setting up a new class of Federal cases, to be tried in the Federal courts, for conspiracy to deprive a person of his civil rights, wrote into the law the safeguard that in the trial of the cases the Federal courts could take jurisdiction of related State crimes and impose the penalties imposed by State law.

I think it is sufficient to make just that brief reference at this point and to state that in 1909 Congress repealed this law with debate language that I shall quote later. Down through the years, this question of the right of State and local governments to try criminal offenses, with a few exceptions such as matters occurring on Federal reservations or involving certain Federal officers and things of that kind, has been guarded both by our traditions and our dual form of government.

I thank the Senator from Louisiana.

NEEDLESS DUPLICATION OF EXISTING LAWS ON INDIVIDUAL RIGHTS

I proceed now to some remarks with reference to the bill as a whole, over and beyond those I have already made in connection with the Ervin amendment.

I am sorry to see that at the beginning of this new session of Congress finds us called upon to study and analyze another bill, in what seems to be an endless stream of bills in recent years, dealing with the subject of so-called civil rights—and I wish to emphasize that term, "so-called civil rights." In doing so, I say again that we should never subvert, in the process, the rights of all Americans. A careful analysis of H.R. 2516 indicates that it is designed to protect only citizens of one religion, or one political affiliation, or one nationality, or one race.

This in itself is not in keeping with what I consider to be wise national legislation, equally applicable to all Americans. H.R. 2516 is, instead, an ill-advised attempt at class legislation. The bill proposes very heavy criminal penalties, which must be most strictly construed in constitutional law. I not only doubt the need for, or propriety of, the legislation, but I doubt its constitutionality as well.

Before going into a more detailed analysis of the bill I would like to state that there should come a time when intelligence and commonsense compel us to realize that we are fostering disrespect for law and order by passing law after law in a field wherein there are already more than ample laws. There are some who clamor for more and more civil rights laws without giving serious thought to the fact that we already have too many such laws. The issue should be the enforcement of and respect of existing law instead of whether there should be new laws.

Mr. President, my esteemed friend, the distinguished senior Senator from Louisiana [Mr. ELLENDER], has made a suggestion to me that I think is quite apropos. This bill, if enacted into law, would punish and penalize and make criminals out of persons engaged in the enforcement of so-called civil rights laws already on the books. And I think that it would. That is something for us to ponder.

It is my firm conviction that the momentary popularity of getting more and more legislation should, and I believe will, give way to the urgent and basic necessity in this country of returning to respect for law and order. We must return, in both our hearts and minds, to the qualities that made this country great. I speak of personal integrity, patriotism, respect for law and order, eagerness and willingness to work and work hard, and respect for the rights of others. Those qualities do not come from laws. They come from the hearts of men and women. Attempts to legislate these qualities often tend to suppress them.

The pending bill, however, would be far more damaging than the mere suppression of voluntary good racial relations. It would foster and protect the wrong people, namely those relatively few, but relatively loud travelers who move from State to State bent upon fomenting riots, turmoil, property destruction, and disrespect for any and all the laws of the land which they do not like. It would foster them, moreover, at a time when this is about the worst type of legislation that we could enact. The bill supposedly protects only lawful activities. For practical purposes, however, the abusive use by extremists of free speech and assembly has risen to such a level that to my way of thinking it needs no encouragement.

The bill is entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes." The very title itself presupposes a general broad right or prerogative of the Federal Government to establish a criminal code for individual human conduct irrespective of the police powers of the States. To this supposition, I cannot subscribe. I do not wish to be a party to a legislative wedge such as is proposed here, that could lead to a Federal police state, totally in defiance of the warnings and wishes of our Founding Fathers who wrote a Constitution which prohibits, or should prohibit, such encroachments on the reserved powers of the States.

The bill is generally known as a bill dealing with so-called interference with rights. Let me say again, every State has laws dealing with individual rights. In part, the bill would make it a serious crime for anyone to attempt to interfere with these so-called rights as well as actually to interfere with those rights.

Specifically, the bill would make it a crime by force or threat to interfere with or attempt to interfere with, injure or

attempt to injure, or intimidate or attempt to intimidate, any person because of his race, color, religion, or national origin, while he is lawfully engaging in a wide variety of so-called and supposedly federally protected activities. Here are the items included in the bill. Every one of them covers rights protected by existing State and Federal law. In reading this list, I do not wish to give the impression that I am against these rights. My protest is against making each and every one of them the subject of a Federal criminal penalty.

First. Voting and campaigning. It should be noted that this provision is not restricted to Federal elections.

Second. Enrolling in or attending any public school or public college. Here again it should be pointed out that the proposed law refers to "any" public school or college, thus extending the Federal criminal umbrella to all public educational institutions irrespective of whether or not there is any Federal connection or reason for jurisdiction.

Third. Participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States, or by any State or subdivision thereof.

It would be appropriate here to comment that the proposed coverage of this provision, even without the last clause, is so broad that it is difficult to comprehend. With the last clause added; namely, "or by any State or subdivision thereof," I must observe that this provision is so broad that it deserves full and separate debate. It would extend the scope of Federal criminal jurisdiction not only to all activities of the Federal Government in one single pronouncement, but to the activities of every State and local government in the land.

Fourth. Applying for or enjoying employment, by a private employer, by the United States, or by any State or agency thereof or of using the services of any labor organization or employment agency.

Fifth. Serving or attending upon any court in connection with possible grand or petit jury service in any U.S. or State court.

Sixth. Using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air.

Seventh. Participating in or enjoying the benefits of any program or activity receiving Federal financial assistance.

Eighth. Enjoying the privileges, facilities, goods or services or any public accommodations business or establishment, including hotels, soda fountains, restaurants, gasoline stations, theaters, sports arenas, or any other public accommodations establishments.

To say the least, the scope of all of the above items is tremendous especially when it is realized that the criminal jurisdiction of the United States is proposed to be extended into all of these fields for overt acts of interference—a vague term in itself—and for attempts to interfere as well. The penalties imposed would be up to 1 year or a $1,000 fine or both, or if bodily injury results, 10 years' imprisonment—maximum—or a $10,000 fine or both; or, if death results, the defendant may be subject to life imprisonment. Thus, most definitely, we are dealing here with a proposed major felony statute.

If what I have related above, concerning what the bill proposes to do, were all that is in it, I would still say that this is a bad bill for both legal and policy reasons. It attempts to bring too much under the criminal jurisdiction of the Federal Government, in derogation of the concept that these are fields for the jurisdiction of the police powers of the States. It attempts to do this in poorly drawn, all inclusive, and unconstitutional language. Moreover, we do not need the bill. It would be bad policy to pass it, and it would lead only to far more trouble than now exists.

There are, however, some further provisions in the bill that disturb me to an even greater extent.

Section (b), page 9 of the bill, contains somewhat confusing language. Section (b) would make it a Federal crime to interfere with or attempt to interfere with a person seeking to participate in any of the almost limitless array of activities and privileges I have already enumerated. Let me quote the confusing language of the bill. It would make it a Federal crime to interfere or try to interfere with a person "because he is or has been urging or aiding others to so participate, or is or has been engaging in speech or peaceful assembly opposing any denial of the opportunity to participate."

In other words, in addition to the protection of law already being given to Stokely Carmichael, Rap Brown, and militants of similar persuasion, still more law would be heaped upon existing law. The thin line between the standards laid down in the language of the bill, which I have just quoted, and the aims of a few minority militants would be difficult to distinguish from an administrative and enforcement point of view.

As is pointed out in the individual views filed with the Senate report on this bill—page 17 of Report No. 721—the language of the bill is so drawn that it would impose no penalties on Rap Brown for his alleged inflammatory statements associated with the riots at Cambridge, Md., on July 24, 1967; but if a spectator, enraged by Brown's statements, had mounted the platform and struck Brown, giving him a bloody nose, this spectator could be sent to the penitentiary for 10 years and fined up to $10,000. And for mere interference—pushing him, perhaps just touching him on the arm or telling him that he should be ashamed of himself and should hush up and get off the stage—he could be fined up to $1,000 and put into prison up to a year. If the man got up on the stage and tried to interfere with Rap Brown, to get him to stop speaking, and if Rap Brown pushed him off the platform, the man could not bring a case against Rap Brown under this bill. The bill does not work in that direction.

It is important to remember at this point that the State of Maryland already has adequate laws to protect Rap Brown against attacks on his person, but the Federal Government could be in the position of shoving the State law aside in order to prosecute his attacker.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield for a question.

Mr. STENNIS. The Senator referred to line 21 on page 7.

Mr. SPARKMAN. Yes.

Mr. STENNIS. Subsection (3), at the bottom of the page, reads:

(3) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States, or by any State or subdivision thereof;

The Senator made a very good point in this respect, very astute legal reasoning, and I believe it is sound.

If I correctly understand, the Senator from Alabama said that a remote town could pass an open housing ordinance; that under the provision of the bill I have just read, all the provisions of that open housing ordinance would automatically come under the pending bill; and that if any racial matter, religious matter, or national origin question were raised, then it would be a Federal crime and this entire proposal would apply.

Is that the Senator's interpretation?

Mr. SPARKMAN. That is my interpretation. And that defendant would not be hailed into his county court. He would be taken to Jackson, Miss., and tried in the big Federal court, with jurors from all over the Federal district. The penalties of this bill would apply, rather than the penalties of the State law. That is my interpretation. Open housing laws usually are based per se on discrimination because of race, color, religion, or national origin.

In other words, the Federal Government could just take over State and local government police powers in enforcing State and local programs or benefits or services.

Mr. STENNIS. Beyond that point, under the proposed bill, if it should become law, a town or a small city would be permitted to pass an ordinance, say, by a close vote, which the State legislature perhaps had refused to pass for statewide application. Nevertheless, it would bring that matter under the responsibility of the Federal Government to go out in that isolated area and undertake to enforce a law of that type. Is that not correct? Is that not what we are getting into?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. We are piling that on top of all the other duties and responsibilities that the Federal Government has, including Vietnam and North Korea, which are on the other side of the world.

Would it not also be true that the Federal Government would be enforcing a law that Congress refused to pass—that is, an open housing law?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. And does that not illustrate the absurdity of this bill on a policy basis, regardless of the subject matter?

Mr. SPARKMAN. It is a complete departure from our historic policy in this country to let the Federal Government attend to the big things, the things that

pertain to the Nation as a whole, and to let the States handle police matters.

Mr. STENNIS. And it just shows how far we are going on and on and on, trying to cure every little evil, every little wrong, or every little practice that someone thinks might be erroneous.

Mr. SPARKMAN. The Senator is correct. I think it will be a sad day in this country when the Federal Government is used for the purpose of taking over all of the various activities throughout the land and when the functions of State and local governments are transferred to the Federal Government. I hope that day never comes.

Mr. STENNIS. The Senator has given us an illustration of an instance where we do not have a uniform law or any Federal law with respect to open housing. That subject is being brought in through the back door as a responsibility of the Federal Government.

Mr. SPARKMAN. Yes, through enforcing State open housing laws and also in another part of the bill. When we had before us the Civil Rights Act of 1964, he will remember that title VI of that act contained a rather simple clause which provided exempting from the provisions of title VI insured and guaranteed construction.

Mr. STENNIS. The Senator is correct.

(At this point, Mr. PELL assumed the chair.)

Mr. SPARKMAN. Of course, that applied to one thing and one thing only, and that was housing that had been built with the help of Federal insurance or guarantee. This measure would skillfully do away with what we did then as well as affect the conventional market by the provision the Senator just read and by subsection (7) on page 8 of the bill. It would turn over to the Federal Government much of State enforcement under subsection (3) in open housing under that clause (3) and would nullify the exclusion of FHA from the Civil Rights Act of 1964 in subsection (7). In the latter case this simply means that it would do away with the provision that Congress debated for a long, long time but left intact in the bill in 1964.

I pointed out a few minutes ago that the amendment by the distinguished Senator from North Carolina [Mr. ERVIN] would correct that situation and rewrite and restore to the bill the substantial language of title VI of the Civil Rights Act of 1964 as related to programs receiving Federal financial assistance.

Mr. STENNIS. Mr. President, if the Senator will yield further, I wish to state with emphasis that he made it clear here by his illustration that a small city board could suspend the Federal law on housing that has been passed by the Congress after lengthy debate.

Mr. SPARKMAN. And accepted.

Mr. STENNIS. Yes, and accepted.

Mr. SPARKMAN. By the way, I wish to add another point. I am not certain, but I believe when the administration submitted the Civil Rights Act of 1964 that language was written into the bill. The then senior Senator from Minnesota and now the Vice President assured the Senate on several occasions that insured and guaranteed programs were excluded from title VI. It was not only accepted by Congress but it was also accepted by the administration.

Mr. STENNIS. The Senator is correct. They would now have us repeal a Federal law, and as the Senator pointed out, it takes the Federal Government entirely afield and into a new area of law enforcement and adds another burden.

Mr. SPARKMAN. I wish to make the record clear at this point. Clause (3), subsection (a) page 7 of the bill, as reported, lines 18 to 21, refer to State and local programs that could include a fair housing program under State or local law. Clause (7) or subsection (7), page 8, lines 13 to 15, does not contain the exclusion of contracts of insurance or guarantee in federally assisted programs that is in title VI of the Civil Rights Act of 1964 and which is also contained in lines 15 and 16 of page 2 of Senator ERVIN's amendment No. 505 to the bill.

Mr. STENNIS. Yes; on pages 7 and 8 of the bill as reported and page 2 of the amendment.

Mr. SPARKMAN. In the first part of our discussion on fair housing in the conventional market, that would be covered under clause 3, but in connection with the FHA and VA guarantee, it would be under clause 7.

Mr. STENNIS. The Senator is correct. That section is very brief and I suggest that the Senate might read it to see what the Senator is referring to.

Mr. SPARKMAN. Clause (7), on page 8 is very broad for criminal penalty coverage. It provides:

(7) Participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

That would include welfare programs, school lunch programs, and farm benefits. Think of the fields that would cover. Moreover, it would repeal, in effect, what was written into title VI of the Civil Rights Act of 1964.

Mr. STENNIS. Mr. President, will the Senator yield further so that I may go into another point?

Mr. SPARKMAN. I yield.

Mr. STENNIS. The Senator referred to a pending matter before the Congress, the so-called crime bill relating to crime in the streets. Did the Senator notice that the organizations that are opposing the riot bill, and some are Members of this body who are opposing the enactment of that bill, are the persons who propose the enactment of this measure here?

Mr. SPARKMAN. Yes.

Mr. STENNIS. Has the Senator seen a more glaring inconsistency? They are talking about crime, upholding the law, and even these racial activities in that field, but they oppose that general bill and then they propose this one.

Mr. SPARKMAN. I made the statement earlier, and I think the Senator agrees, that there is nothing in this bill to remove crime from the streets of our cities. In fact, it can be said, I think in all fairness and truth, that it would afford an incentive to crime in our streets by giving protection to militant groups and encouraging them to dare the policemen or law-enforcement officers to take any action against them.

Mr. STENNIS. I think the Senator is correct, and I call the Senator's attention again to the Ervin amendment that the Senator mentioned. The Senator from Alabama believes that the Ervin amendment gives whatever protection there may be needed in this field but does confine it to the Federal field. It is a Federal right in a Federal field and it is the rights of all people that the Ervin amendment would apply to. Is that correct?

Mr. SPARKMAN. The Senator is correct. The Ervin amendment draws a very clear distinction between those acts that are Federal violations as against those that belong to the States. It does this by enumerating the fields of Federal activity covered and by not including the programs of States and subdivisions thereof. All the other matters that belong to the States and local governments remain where they should remain, with the States.

Mr. STENNIS. In the Ervin amendment or the Ervin substitute does he treat all people alike and does it apply across the board without any discrimination among the groups?

Mr. SPARKMAN. The Senator is correct. Of course, I have had reference in my discussion this afternoon to the pending Ervin amendment.

Mr. STENNIS. I understand.

Mr. SPARKMAN. I believe it is a division or part of the substitute. It is amendment No. 505 and is the pending business.

Mr. STENNIS. Yes. It is one of a series of amendments, all having the Federal concept of legislation in the Federal field, and relating to Federal rights.

Mr. SPARKMAN. The Ervin amendment maintains the differential as between Federal and local crimes.

Mr. STENNIS. I thank the Senator from Alabama. He is making a most worthwhile speech. It has illuminated my understanding, as I am sure it will illuminate the understanding of anyone who will read it.

Mr. SPARKMAN. I thank the Senator from Mississippi. I appreciate his questions, which have brought out some points that I think are quite important.

Our Constitution established a dual system of government with the clear intention that the States have the police power.

We do not need Federal criminal laws to protect people who engage in any of the specific activities covered in this proposal. As I have said before, they are already protected by a host of State and Federal laws. This heaping of law upon law could lead to hundreds and thousands of complaints by disgruntled members of dissident groups against people who probably had not lifted a finger against them. The Department of Justice would probably be flooded within a short time after enactment by requests to prosecute Mr. "A" or Mrs. "B" because he or she interfered with the rights of the complaining witness or attempted to interfere in contravention of the statute.

Again, I stress the broad coverage of that term: To interfere or to try to interfere. There is no definition of what

interference is. It does not mean interference resulting in physical injury or interference by trespassing on a person's bodily rights, or anything like that. It is merely to interfere or to threaten to interfere. That language is entirely too broad for Congress to write into a law of this kind.

It would seem appropriate at this point to read a news report published on the front page of the Washington Evening Star of January 17, 1968—only a few days ago. The article is entitled "Ghetto Militants Tie Up FBI, Justice, Clark Tells Johnson." The article is datelined San Antonio, Tex., and reads:

Attorney General Ramsey Clark has told President Johnson that extremist activity designed to foment "rebellion in urban ghettos" has put a severe strain on the FBI and other Justice Department resources.

I emphasize the definition that Attorney General Clark gave. The Attorney General of the United States is responsible for law enforcement throughout the Nation on the Federal level.

I continue to read the article:

He called it "the most difficult criminal intelligence problem in the Justice Department's history."

That runs over a long time. The Justice Department was set up quite early in our national history and we have had a Justice Department ever since. In other words, Attorney General Clark is saying that it is the most serious problem in the history of our country and in the history of the Justice Department.

Continuing to read:

White House Press Secretary George Christian gave reporters here today a summary of Clark's report to the President on department activity during 1967.

The report blamed the "extremist activity designed to foment civil disobedience, demonstrations, riots and rebellion in urban ghettos" for the heavy strain on the FBI and other departmental resources.

ROUND-THE-CLOCK EFFORT

For months at a time during the past year, Clark said, the intelligence effort in the extremist activity field required staff work 24 hours a day, seven days a week.

To help make the problem manageable, he said, a new intelligence unit has been established in the Justice Department "with planned computer capability."

The report came on the heels of word yesterday from the White House that Johnson may seek new anticrime legislation next year—in addition to his safe streets bill, which was held up in the first session of Congress.

In his report, Clark said there were 952 convictions during 1967 for Selective Service Act violations—draft dodging, draft card burning and so forth.

This was an increase of 77 percent from 1966 and the highest figure in 20 years.

34,512 CRIMINAL CASES

Altogether, the report said, the Justice Department last year filed 34,512 criminal cases, an increase of 2,587 over 1966 and the greatest number in a decade.

Clark also reported a record number of indictments in cases handled by the Organized Crime and Racketeering Section of his department—668 indictments compared to 17 in 1960. There were 73 convictions of known Cosa Nostra members.

In the civil rights field, he reported the department filed 53 public accommodation cases compared with 34 in 1966.

Eight significant employment discrimination cases were filed during the year, he said, with 150 investigations under way at the end of the year.

A total of 57 school desegregation cases were filed in 1967.

In civil litigation, Clark reported, there were 54 new anti-trust cases during the past year.

I have read into the RECORD the above article on the Attorney General's latest report to the President on crime, because it is timely and informative. It raises a point that we should consider here today that if crime and disregard for law and order are so much on the increase, why should we pass such a bill as the one now pending? It might well accentuate crime and disrespect for law. Furthermore, it would flood the Federal courts with cases. The President, in his state of the Union message a few days ago told us that there was great need for 100 additional assistant district attorneys throughout the United States to handle the cases and to attempt to clear the dockets. We know that there has been a recommendation by the Judicial Conference, and the Senate has taken action, certainly in part, to increase the number of Federal judges throughout the country in order to take care of the great backlog of cases which have been built up.

Yet, here we are, asked to pass a bill which would literally flood the Federal courts of the country with cases which have never been within their jurisdiction before. They have got more than they can do now. The President told us so, and asked for help. I assume that Congress will give him that help. I assume also that funds will be provided to employ 100 additional assistant district attorneys throughout the United States to look after criminal cases and Federal cases generally arising under present law.

Why send them more cases like those proposed here, that would take them away from their main court duties, which down through the years of our existence as a nation, they have performed as prosecutors?

If crime and disregard for law and order are so much on the increase, why should we pass a measure such as this that might well accentuate crime and disrespect for the law?

The activity of extremists, of which the Attorney General speaks, is a very serious matter. The fact that this attitude of defiance exists, an attitude fostering activity which the Attorney General in plain terms states is "designed to foment civil disobedience, demonstrations, riots, and rebellion in urban ghettos" is indeed quite deplorable. That it is straining the intelligence service of the Department of Justice to the utmost and forcing it to 24-hour-a-day service 7 days a week is alarming.

I think it is something with which we should be greatly concerned. Certainly the passage of this bill, which would extend Federal criminal surveillance down to State and local governmental activities, would require a vastly enlarged Department of Justice, even beyond what the President has proposed and what he has requested of Congress.

We cannot tolerate rebellion in our cities or anywhere else in our Nation. We must keep our law enforcement authority at full strength to meet the needs of the moment.

To pass this bill, however, would make the problem of which the Attorney General speaks only more acute. It would be an encouragement to the extremists who foment the trouble of which the Attorney General complains.

I feel that the report of the Attorney General is in itself a good argument against this bill.

It would seem to me that the convictions in Federal court in Mississippi last year afford an indication that there is not a pressing need for more civil rights laws along the lines proposed here. Those convictions were for conspiracy to violate a civil rights law enacted in the reconstruction era approximately 100 years ago.

I have stated repeatedly in debates on this subject in the Senate that we have more than a sufficient number of civil rights laws already in our statute books. We should have the benefit of the Government's experience under existing laws before considering new ones. On the contrary, however, we are always beset with more and more requests for new laws. It seems to be more popular politically to enact new laws than to enforce old and existing ones. This is a bad process. This is a shameful process.

If the argument for the present bill is that it will make the task of the Department of Justice much easier in getting true bills from grand juries and in taking cases through trial court, I am not persuaded that this is sound reasoning.

An inherent danger of this bill is its lack of conformity to the form, substance, and orthodox phraseology of normal criminal statutes. The precedent that it would establish could grow and grow ad infinitum. Here Congress would be attempting to define what rights actually constitute civil rights, insofar as interference with them is concerned. An attempt is made to cover the whole field in poor and confusing language.

Mr. President, I am a lawyer by training and by experience and practiced law before coming to Congress. I have not practiced law for a little more than 31 years now, having devoted my time to my congressional duties during that time. But, as a lawyer I have two definite and severe criticisms of all of these attempted definitions. The first is that the broad definitions, such as the privileges and activities of any program or activity administered by the United States or by any State or subdivision thereof, are so broad that it would seem that they are clearly unconstitutional on their face for vagueness. The offense and the nature of the crime should be spelled out clearly. The activity should be explained or defined. We know the age-old rule of interpretation of criminal statutes. Criminal statutes must be strictly construed and they must not be vague.

That is a sound principle of law anywhere, Mr. President, except perhaps in this bill. It is not to be found in this bill.

A defendant has the constitutional right to know exactly what he can and

what he cannot do. Not necessarily a defendant, but any person has a right to know what he can do and what he cannot do. If he becomes a defendant, he has the constitutional right to know on what ground he has become a defendant. He has the right to know what the law is that he is accused of having violated. It must not be in vague, indefinite terms. It must be in certain terms that are understood by a person of average intelligence.

The law prohibiting him from doing something must be clearly stated. Something as broad as the language of the bill which I have quoted, and the language of several other parts of this bill, violates the very foundations of the doctrine of required clarity in criminal statutes. It would seem to me that the courts should have little difficulty in striking these provisions down as unconstitutional due to vagueness.

I cited the Cox case earlier in this debate in a colloquy with the Senator from Louisiana [Mr. LONG]. There the Supreme Court struck down the Louisiana breach of the peace statute as unconstitutional due to vagueness. This is an important doctrine. I might add also that there is also argument here on this proposed statute, that by reason of being vague, and for other reasons, it does not provide something that is guaranteed to every person in this country of ours, and that is due process of law.

The second legal observation which I wish to make in this regard is that the definitions of crime that are contained in the bill go to only a part of the field of civil rights insofar as being specific definitions would be proposed. When an attempt is made to define a broad subject in terms of specific crimes, the list of specific definitions of crime can grow and grow.

The argument perhaps will be made that it is not fair to leave this or that right or privilege out of a criminal statute when other privileges or activities of similar consequence are included in it. Thus, Congress might spend years in trying to define this matter in specific terms by hundreds of definitions. The doctrine of exclusion might well be applied by the courts under the rule that, when a field is defined in specific terms, those activities or privileges not clearly defined are excluded from the operation of the statute.

It is another old rule of law that when certain offenses are defined, those that are not named are excluded, and only those that are specifically named are to be included.

A strict application of this doctrine to the provisions of this bill would probably reduce its coverage materially in the courts. Herein due process of law would loom all the more to the forefront because difficulty in ascertaining just what is a crime adds to the lack of due process.

Sections 2 (a) and (b) of the bill—page 10—contain provisions that would apply the heavy criminal penalties of this bill to other civil rights criminal statutes.

Both 18 United States Code 241 and 18 United States Code 242 would be amended so as to contain heavier criminal penalties. In the case of section 241 of title 18 of the code, which deals with conspiracies against the rights of citizens by private persons, both the $10,000 fine and 10 years imprisonment provisions of the instant bill, as well as the life imprisonment provision, would be added.

In the case of section 242 of title 18, which deals with civil rights crimes perpetrated by public officials under color of law, the life imprisonment provision of the instant bill would be added.

Why is it necessary to amend these old laws of long standing and increase their penalty provisions? Is it that the proponents of this unwise legislation feel a sense of guilt about the heavy criminal provisions proposed in this bill and want to justify it by bringing the other civil rights criminal statutes in line with it?

In any event, I think that the whole matter should be dropped.

For the life of me, I can see no reason to set criminal acts associated with civil rights activities apart in penalty standards from criminal acts associated with any other activities.

Shall we have a separate set of Federal criminal laws for each conceivable category of activity in which a criminal act could be committed? In my book, bodily harm is bodily harm whether it be committed in an effort to deprive someone of his civil rights, or whether it be committed in an effort to deprive someone of the money in his safe.

The obvious intent in this bill is to deprive the States of at least a certain amount of criminal police power jurisdiction, but, like a river that floods over its banks, it will not take long for the whole area to be flooded and the rampant power of the Federal Government to be exerted everywhere in criminal matters in areas which under our form of government do not belong to it.

I should like to say a word now about the antiriot provisions placed in the bill on the floor of the House of Representatives. We have just witnessed this past summer a wave of rioting and disregard for law and order that has cost many lives and a dreadful loss in the destruction of property. More than that, however, it has shaken the faith of many good citizens in our system of law and order.

We could better spend our time and efforts in tightening up our laws against this sort of thing and in enforcing those laws while, at the same time, attempting to cure some of the conditions that have helped foment riots, than in writing new laws such as the instant proposal.

The House floor amendment would make it a crime to injure or interfere with any public official, a policeman included, who is attempting to "prevent or abate a riot or to give aid or shelter to those endangered by a riot or any law enforcement officer making or attempting to make a lawful arrest to carry out the purposes of this act, or to prevent or abate a riot or violent civil disturbance or acts of lawlessness or violence in furtherance thereof or attendant thereto."

It would also make it a crime to interfere with a "fireman attempting to extinguish a fire created by any disturbance resulting from a civil rights protest."

These amendments, if enacted into law, would turn the original purpose of the bill around somewhat. They would broaden the protection of rights to those people believing in law and order who are represented by policemen and firemen attempting to prevent and abate mob violence and rioting.

It is significant that these amendments were in the bill when it pased the House of Representatives, and I would not venture a suggestion that the House would have passed the bill without these amendments. I do believe that they had an effect on the final vote that was taken.

I notice with interest that the bill reported to the floor by an 8 to 7 vote in the Judiciary Committee of the Senate—by the slender margin of 1 vote—deleted these antiriot House floor amendments. Apparently the administration and the proponents of title V of the omnibus bill and of the original instant bill are disturbed over and are not satisfied with the antiriot amendments. Apart from any technical or legal arguments that might be made concerning these amendments, it is my belief that the thrust and purpose of the amendments are more in the right direction of protecting the rights of all the people than the entire remaining part of this bill.

While the bill is under discussion on the floor of the Senate, I hope I may have an opportunity for further detailed discussion, with citations, of the legal and constitutional law points involved in this bill.

Mr. President, I yield the floor.

Mr. HART. Mr. President, the debate has raised a number of questions. Some of them have been repeated many times. I apologize to the Senator from Alabama for my inability to be here throughout his remarks. As I explained when leaving, there was a subcommittee hearing which I was unable to reschedule. But, of course, I shall read his speech.

The able Senator from North Carolina, whose amendment now pends, in the course of offering that amendment stated that it would cover 98 percent of the activities which the committee bill reaches and, in addition—as a sort of bonus—it would be easier to prove a case under the amendment which he offers.

I am not able to challenge the able Senator's figure of 98 percent with some estimate of my own.

I think it would be impossible to catalog and categorize all of the civil rights crimes that have been committed that might be actionable under the committee bill or under the Ervin amendment. However, in the best spirit, I do want to disagree with the able Senator from North Carolina that substantially all the criminal acts which would be reached by the committee bill would be reached by his amendment as well

The amendment fails to protect certain of the related activities which are proper subjects for legislation. While it affords protection to persons utilizing public facilities provided by the Federal Government, it does not protect persons using State and local facilities. The committee bill does and would.

The right to use State and municipal parks and playgrounds without intimidation because of race would not be protected by the amendment of the Senator from North Carolina.

The committee bill prohibits violent interference because of race, religion, or national origin with employment by any private employer or any agency of the Federal Government or by a local or State government. The pending amendment is limited in its coverage to employment rights conferred by title VII of the 1964 Civil Rights Act, employment by the Federal Government, or by private business engaged in interstate commerce. The amendment would not include employment by State or local governments or employment by certain private businesses.

The theory behind the broader coverage of the committee bill is this: Violent interference with employment for the purpose of intimidating racial or other minority groups will have its inhibiting effect on persons seeking better jobs whether or not the victim's employer happens to come under title VII of the 1964 bill, and whether or not the business is in interstate commerce. The fallout effect would be the same. It would produce the deterrent that it is intended to do, no matter which target is selected.

The Federal Government can employ broader coverage to combat successfully the evil this law seeks to reach. The Ervin amendment would make every case of employment intimidation hang on basically irrelevant factors, such as the volume of business or whether sales were made across State lines.

There have been several reported cases of intimidation of Negroes because of their employment by State or local governments. And the amendment of the Senator from North Carolina, as I say, would not reach this type of case.

Unlike the committee bill, the pending amendment would not protect persons serving as jurors in State courts. The Senator from North Carolina and others have said that there is no showing that State court jurors suffer rights intimidation. Let us assume that this statement is correct. We are now entering a period hopefully when an increasing number of State jurisdictions will be opening up jury service to Negroes without discrimination.

If past experience gives any message about the future, it is that, unhappily, when Negroes are granted equal participation in activities formerly reserved for whites, the grant of the right to participation is soon followed by lawless action to interfere with that right. This has been our experience with regard to the desegregation of public schools, parks, and other facilities. It has been our experience in the area of equal employment and equal access to public accommodations. It has been our experience in connection with the grant of equal voting rights. It is no more than an exercise of sound discretion to insure in advance against the violent interference that we may expect in connection with increasing equality of access to jury service for Negroes.

Section 245(a)(10) of the amendment would protect persons who "advocate, encourage, or support" the right of others to exercise the rights enumerated in the bill. This provision is less clear and less comprehensive than the comparable portion of the committee bill.

For example, the committee bill covers the situation in which an individual is injured in order to discourage others from participating in a protected activity. This could, in appropriate cases, cover violence directed at a person who had neither engaged in such activities nor encouraged others to do so, but who was selected as a victim in an effort to intimidate members of his race. The killing of Lemuel Penn in Georgia is an example of such an incident. His killing could be considered a part of a larger conspiracy of terror which had been directed at Negroes attempting to exercise their right to nondiscriminatory treatment.

The committee bill, in subsection 245(c), affords protection to employers, jury officials, proprietors of public accommodations, and others who have duties to perform requiring them to function in a nondiscriminatory fashion.

Administering facilities and making available the services of a municipal corporation in the role of its mayor would be included.

Arguably, the Ervin amendment would furnish similar protection, but the language is less specific than that of the committee bill. Subsection (a)(10) of the amendment is also more limited simply because the activities preceding it are more limited in their scope than the comparable list of activities in the committee bill. For example, under the Ervin amendment, one advocating, encouraging, or supporting the right of others to use a public park, or to vote in a State election, would not be protected because those activities are not among those protected by the substitute bill.

Subsection 245(d) of the amendment would grant a blanket exemption from the bill's prohibitions to law enforcement officials engaged in suppressing a riot or civil disturbance. Such an exemption is unnecessary to protect any law officer engaged in the performance of his duty. The exemption would only protect an officer who acted flagrantly outside the scope of his authority by injuring or intimidating a person because he had attempted to exercise a protected right. I fail to see the need for such an exemption, or to appreciate the wisdom of it. I fear the consequences that would follow from it.

Why is the committee bill limited to crimes committed because of race, color, religion, or national origin? Repeatedly this question is asked and the charge is made that this is an arbitrary and discriminatory classification.

Very simply, it is because it is this type of crime over which the need for Federal legislation has been shown to exist. The Ervin amendment omits the fact of race, color, religion, or national origin and thus, in this sense, greatly broadens the coverage of the bill. For example, violent interference with a person because of employment by a company involved in interstate commerce, or because he is traveling in interstate commerce, would be within the scope of the substitute.

Let us concede the endless petitions to the U.S. attorney generals across the country if every violent action on the highways of America was to be made a Federal crime. In general, State law has adequately dealt with these types of crimes, and the extension of Federal authority into these areas would not be consistent with the basic principles of federalism. A national police force will not be necessary to protect the activities enumerated in the committee bill, but the amendment opens up new vistas for Federal police action and would lead to unnecessary encroachment upon the area of responsibility of State and local law-enforcement agencies.

Supporters of the Ervin amendment have made much of the fact that it does not require "diversity of race" between defendant and the prosecuting witness, as they allege the committee's bill requires.

"Diversity of race" is a catch phrase which leaves the impression that Federal jurisdiction will never attach when the defendant and the victim are members of the same race. The phrase has also been relied upon to support the assertion that the committee bill fails to treat all citizens alike. Nothing in the committee bill requires "diversity of race." Any citizen attacked for racial reasons because he was participating in one of the listed activities would come under the protection of the committee bill.

It is true that in the typical case, a racially motivated crime will involve acts committed by members of one race against another. This is a far different thing from the assertion that no case is possible unless the principals are of different races.

All citizens faced with equal circumstances—that is, all citizens endangered by intimidation or injury because of race, religion, or national origin—would come under the protection of the committee bill.

Additionally, the amendment offered by the Senator from North Carolina, now the pending question, would not only limit the reach of the committee bill in the ways that I have already described, but would also remove from the bill the provisions for increasing the penalties provided under the existing civil rights criminal laws.

We have seen time and again the inadequacy of the penalties provided in these Federal laws. Several days ago, the able senior Senator from Florida [Mr. HOLLAND] commented on the inadequacy, as I understood him in our colloquy, when mention was made of the tragic, inexcusable killing of three civil rights workers, two of whom were white, in Mississippi.

In some cases, defendants accused of ending the lives of their victims are subject only to misdemeanor penalties. In others, brutal acts, including murder, are punishable by no more than 10 years imprisonment and a $5,000 fine. Failure to increase these penalties in the face of recent events—where conspirators shown to have conspired to murder innocent victims were sentenced to 10 years and sometimes less—would be inconceivable. Of course, I urge the Senate to

reject a course which would bring about this consequence.

I do hope that in orderly fashion the Senate will have an opportunity to adopt the bill recommended by the committee.

I believe it would be appropriate, in closing tonight, to comment briefly on the message we received from the President of the United States this afternoon. It is a message on civil rights.

He reminds us that in each of the past 3 years he has sent Congress a special message dealing with civil rights, and that he does so again this year.

He enumerates some of the progress we have made.

He reports, also, some of the unmet needs, the unrighted wrongs. He mentions, as many of my colleagues have in the debate in the last few days, the spirit of restlessness in our land. It is a gentle way of describing a surging, riotous breaking out across the land on occasions. He reminds us that this feeling of disquiet is more pronounced in race relations than in any other area of domestic concern.

He says that most Americans remain true to our goal—the development of a national society in which the color of a man's skin is as irrelevant as the color of his eyes. In the context of our history, this goal will not be easily achieved. But unless we act in our time to fulfill our first creed—that "all men are created equal"—it will not be achieved at all, and we will reap the whirlwind.

We find much else in the message which the President has today sent us. It is a message which I know will be read by every Senator. One section, particularly, has captured the urgent need for legislative action. It begins with two short, telling paragraphs:

> The legacy of the American past is political democracy—and an economic system that has produced an abundance unknown in history.
>
> Yet our forefathers also left their unsolved problems. The legacy of slavery—racial discrimination—is first among them.

Then he enumerates: He appeals to Congress to complete the task it began with its passage in 1957 of the first Civil Rights Act in 10C years. And he identifies specifically the bill reported by the Senate Judiciary Committee. He recites the inadequacies of existing law, and then he says—

> The bill reported by the Senate Judiciary Committee remedies each of these deficiencies.

He, too, makes the point that the bill would apply to any individual or group, public or private, that sought to prevent the exercise of these rights by violent means, and it would tailor the penalties to meet the seriousness of the offense.

Until the day that the law is colorblind, this Nation will continue to need the bill that the Senate Judiciary Committee reported. I hope the Senate will adopt it promptly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 306) to increase the amounts authorized for Indian adult vocational education.

NOTED AMERICAN COMMENTATOR DISPELS MYTHS ABOUT PRESIDENT JOHNSON AND VIETNAM

Mr. BYRD of West Virginia. Mr. President, Howard K. Smith, the noted American columnist and commentator, has effectively rebutted the series of myths which have grown up about President Johnson and America's commitment to safeguard freedom in Vietnam.

For too long we have heard the story that the President promised the Nation long ago that the Vietnam war would be solved rapidly, and that he made promises which he could not fulfill.

Howard K. Smith, in a column which appeared in a recent issue of the Washington Sunday Star, quotes chapter, book, and verse to demonstrate that if President Johnson said anything about the future of America's commitment in Vietnam, it would be a long future, one which would not see problems solved overnight, and one in which the United States would have to persevere.

Let us lay to rest the myths which have been taken as truth for too long.

I ask unanimous consent that Mr. Smith's perceptive comments, as contained in the Washington Sunday Star of January 14, 1968, be inserted in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

MISTAKEN VIETNAM ANALYSES ACCEPTED AS FACT

When a leader has fallen heir to a mission as vital as President Johnson's—which is nothing less than fighting to win time for Asia, as Churchill had to do for the Western world in 1941—and when, with the bulliest pulpit in the world at his disposal, he has not convinced the nation, then something is wrong. But I have a quarrel with most of the commentators, and it is that in trying to find what is wrong, they have led us down irrelevant paths to wrong conclusions that have now congealed beyond remedy.

Time magazine's Man-of-the-Year report on Mr. Johnson indicates that the practice of finding the wrong answers is likely to persist.

Time describes two basic flaws in the President's behavior. First, it quotes approvingly a scholar as saying that he "has made the huge mistake of implying, by way of rhetoric, that this (i.e. solving big problems like the ghettoes) could be done quickly and easily."

Then Time states the second flaw: "This has been particularly true in the case of Vietnam. In the past his forecasts were hyperbolic."

In fact, in four years of pretty thorough records I can find no evidence for either assertion. But the evidence for the opposite is overwhelming.

In Mr. Johnson's first State of the Union address, he said, for example, that the war on poverty "will not be a short or easy struggle; no single weapon or strategy will suffice." In his first War on Poverty message he said, "We are fully aware this program will not eliminate all poverty . . . poverty is deeply rooted and its causes are many."

In his original Great Society speech in Michigan and in his 1965 message on city problems, he elaborated on the theme that "we do not have all the answers. We are still groping." I have at my elbow another round dozen of such statements. But I can find no clear evidence that he ever said or implied that the job could be quick or easy.

Regarding Vietnam, he said in his Freedom House speech of 1966, "some ask how long we must bear this burden. To that I give no answer . . . it may well be long." In a press conference he said, "now we will have a long and hard road. I don't want to try to repeat Mr. Churchill's phrase of 'blood, sweat and tears,' but it is not going to be easy and it is not going to be short." In his last State of the Union address he did in fact paraphrase Churchill, offering only "more cost, more agony." This theme is constant and repetitious—and I can find no exceptions to it.

This is not meant to single out Time for an attack. The practice of repeating mistaken analyses until they are accepted as fact sems to be endemic. Thus my favorite TV commentator recently said that back in 1965 we got embroiled in Vietnam because "acting was easier than thinking." The facts show that if Mr. Johnson made a mistake in 1965 it was the opposite one: he thought, conferred and discussed almost too long before finally acting. Yet, to this day the notion persists that he stumbled into Vietnam without much thought.

The whole complex new science of Peace-feeler-ology was founded on a reporter's garbled account of the talk Ho Chi Minh had with two Italians in 1965. Though the State Department later published all the documents to make it clear Ho offered nothing, the false view that Ho sought peace and we rebuffed him is now a settled "fact" which whole, erroneous, books have been written to prove.

It is also a settled part of public knowledge that the President suffers from a "failure to communicate." And there is something to that. But there is more substance to the contention that it is the commentators who have failed to communicate the complex elements of one of the most meaningful periods in American history. As a group we have become mass victims to the old adage that it is easier and more fun to ask Whodunit than the more rational, if far more difficult, question—What did it?

TRIBUTE TO HARRY C. BURKE, CLERK OF ENROLLED BILLS OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I rise to pay tribute to Mr. Harry C. Burke, clerk of enrolled bills of the Senate. Today marks the 60th anniversary of his employment by the Senate and his service to the Senate.

As clerk of enrolled bills, Mr. Burke writes the history of bills and resolutions which appear in the Senate Journal. He is also responsible for transmitting enrolled bills and resolutions to the Speaker of the House of Representatives and to the President of the United States for signature.

Except for a brief period of service in the American Embassy in Paris during World War I, Mr. Burke has devoted his energies to the Congress of the United States. I congratulate Mr. Burke on his 60th anniversary of service and thank him, on behalf of all Senators, for his devotion to this great body, the Senate of the United States.

Mr. KUCHEL. Mr. President, on behalf of the Senator from New Hampshire [Mr. COTTON], who is necessarily absent today, I ask unanimous consent to have printed in the RECORD his tribute to Harry C. Burke.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

HARRY C. BURKE

Mr. COTTON. Mr. President, I should like to remind the Senate that 60 years ago today, Harry C. Burke, of Nashua, N.H., who now is clerk of enrolled bills in the office of the Secretary of the Senate, first entered upon his duties at the Capitol; and today he completes 60 years of almost continuous Government service.

Sixty years ago, as a mere boy, Harry C. Burke was appointed a messenger, through the efforts of the late Senator Jacob Gallinger, of New Hampshire. Mr. Burke's responsibilities carried him between the RECORD clerk of the Senate, Andy Smith, whom many of us remember, and the Government Printing Office. That was on January 24, 1908.

In 1918 Mr. Burke served as attaché at the American Embassy in Paris, following which he worked for Representative Edward H. Wason, of New Hampshire, and for the Federal Emergency Fleet Corporation.

On January 1, 1925, Mr. Burke was appointed assistant Journal clerk of the Senate through the aid of Senator Henry W. Keyes, of New Hampshire. Our distinguished and beloved friend Charles Watkins, Parliamentarian of the Senate, was then the Journal clerk. Mr. Burke served in that capacity until 1933, when he left to work for the Public Works Administration.

At the request of the late Senator Styles Bridges, Mr. Burke returned to the Senate on March 1, 1947, as clerk of enrolled bills, and he has served in that capacity ever since.

In 1919 Harry Burke married Yvonne Gelinas of Nashua, N.H. They have 5 children—4 girls, 1 boy.

Harry Burke was born on November 23, 1889.

Mr. President, when I came to the Senate in 1925 as a clerk of the old Committee on Post Offices and Post Roads, of which the late Senator George Moses, of New Hampshire, was chairman, I found Harry Burke, my fellow New Hampshirite from Nashua, here in his capacity then as assistant Journal clerk. He was very kind to me as a young man. I was in law school studying. I claim that I was kind to him, too, because many nights when Harry and Yvonne had social engagements, I would take my law books to their apartment and babysit with their small children, some of whom are now in middle life.

The friendship with Harry Burke that was formed then has continued uninterrupted through all the following years. Harry is loved by all who know him in the Senate. He still has the same wit, wisdom, and willingness that he always exhibited in years gone by. I am proud and happy that he is still with us.

As one of his Senators from New Hampshire, I take pride today in directing the attention of the Senate to the fact that today marks the 60th anniversary of his first employment in connection with this body. I am sure we all hope for him more years of useful service, of happiness, and comfort, both to him and to his wife, Yvonne.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Thursday, January 25, 1968, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The U.N. Role in World Politics

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, January 24, 1968

Mr. GRIFFIN. Mr. President, it is a pleasure to call the Senate's attention to a most enlightening address on the United Nations delivered recently by Congressman WILLIAM S. BROOMFIELD, of Michigan's 18th District.

Representative BROOMFIELD is not only a distinguished member of the House Committee on Foreign Affairs, but he has just completed 3 months of service as U.S. delegate to the United Nations.

Appearing last evening, as the principal speaker at the 31st annual "distinguished citizens banquet" of the Royal Oak, Mich., Chamber of Commerce, Congressman BROOMFIELD reviewed his experience at the United Nations and provided his audience with some interesting and significant observations concerning the operations and the future of the world organization.

I ask unanimous consent, Mr. President, that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE STATE OF THE U.N.

(An address by Hon. WILLIAM S. BROOMFIELD, before Royal Oak Chamber of Commerce, Royal Oak, Mich., January 23, 1968)

Mr. Chairman and friends, when your kind invitation to speak at this annual dinner reached me, I could not help but reflect that during the last year I have had rare opportunities to follow in some giant-sized footsteps.

This occasion is certainly one of those.

I am well aware of the long list of outstanding speakers who have addressed this banquet in the past and I am highly honored that you have asked me to join in such distinguished company.

But the importance of this gathering made it especially difficult for me to choose a topic. There are so many urgent issues which cry for our attention as we begin 1968.

Certainly the soaring cost of almost everything we buy and the measures we must consider to curb inflation are of major concern to all of us.

Great Britain's devaluation of the pound provides a warning that must be heeded if we are to protect the integrity of the dollar and the stability of the gold that supports it.

And while we are in the midst of another long, cold winter, the tragedy of our cities and what happened in many of them last summer cannot be ignored. Finding meaningful approaches to the unpleasant facts of civil disorders as well as the causes of them are tasks that must be faced and completed quickly.

There are many other important issues I could talk about tonight.

But I decided that I really wanted most to tell you about the United Nations.

It seemed appropriate not only because the United Nations is closely related to one of the most vital and delicate issues of our time—the war in Vietnam—and not only because I have just completed a three-month term as a member of the United States delegation.

But also because the United Nations assignment offered another unusual opportunity to follow in the traditions established by one of our great modern American statesmen, the late Senator Arthur H. Vandenberg, of Michigan.

As many of you remember, Senator Vandenberg was a member of the United States delegation to the 1945 San Francisco Conference where the United Nations Charter was drafted and signed. And a year later, he was a member of our delegation to the first session of the United Nations General Assembly.

As the first Michigan appointee from Congress in the 22 years since Senator Vandenberg served, the past three months have been a great honor and a great responsibility to my country, my party and my State.

But those three months were also filled with interesting and wonderfully broadening experiences—the opportunity to meet and know many of the leaders of the 123 nations which are members of the United Nations.

An English philosopher once said that every failure is a step toward success. If that were so, the United Nations would by now be well on the way toward its goal of establishing peace with justice.

For despite some encouraging moments, the past year mostly was a discouraging one both for the United Nations and for the cause of peace throughout the world.

On the encouraging side, there was significant progress toward agreement on a treaty to retard the spread of nuclear weapons. Despite disappointing delays, it is now hoped that a complete treaty will be ready for consideration at a resumed session of the General Assembly early this year. The treaty represents a foundation hopefully on which further steps toward arms control can be built.

And the General Assembly took important action toward extending the rule of law to outer space and eventually the ocean beds. These are efforts to assure that our rapid scientific progress is ruled by law and not destroyed by anarchy.

In addition, many important nonpolitical programs and projects of the United Nations—economic, humanitarian, legal and technical—were continued and further developed. These, too, are important fibers in the fabric of peace.

But none of these accomplishments can be considered alone. They must be weighed in the context of the United Nations' performance in the critical area of world peace and security. It is in that area that achievement is difficult to pinpoint.

There is some increasing evidence, particularly in the United Nations' actions in the Middle East and Cyprus, that it still has